



भारत का राजपत्र

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सं. 19]

नई दिल्ली, शनिवार, मई 7, 1994/वैशाख 17, 1916

No. 19] NEW DELHI, SATURDAY, MAY 7, 1994/VAISAKHA 17, 1916

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अस्त्र संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि और न्याय मंत्रालय
(आयकर अधीनीय अधिकरण)
नई दिल्ली, 29 मार्च, 1994

का आ 1042.—वित्त शिक्षियम् 1972 (1972 का 16वां) द्वारा यथा संशोधित, आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 252 की उपभारा (5) द्वारा मुख्य प्रदत्त शक्तियों का प्रयोग करते हुए, 4 फरवरी, 1974 की अधिसूचना क्रमांक VI/एटी/एटी/72 में दी गई अनुमती में निम्नलिखित भंशोधनों का ग्रादेश दिया जाता है:—

(1) पूर्वी क्षेत्र कलकत्ता के लिए दी गई अनुमती के कानूनम् (2) में लिखे गए “इलाहाबाद पीठ” को निकाल दिया जाय, और

(2) उत्तरी क्षेत्र, नई दिल्ली के लिए दी गई अनुमती के कानूनम् (2) में शब्द “इलाहाबाद पीठ” जोड़ दिया जाये।

2. उपरोक्त संशोधन दिनांक 1 अप्रैल, 1994 से प्रभावी होंगे।

3. उपरोक्त को ध्यान में रखते हुए, अधिसूचना क्रमांक एफ - 215(2) एटी/एटी/72 दिनांक 4 सितम्बर, 1980 तदनुसार प्रतिस्थापित की जाती है।

[सं. एफ 215(2) (एटी) (एटी)/72]
चौ. जी क्राणामूर्ति, प्रमुख

MINISTRY OF LAW & JUSTICE
(Income-Tax Appellate Tribunal)
New Delhi, the 29th March, 1994

S.O. 1042.—In exercise of the powers conferred on me by Sub-section (5) of Section 252 of the Income tax Act, 1961 (43 of 1961) as amended by the Finance Act, 1972 (16 of 1972), the following amendments are ordered in the Schedule below Notification No. VI-Ad (AT)/72, dated 4th February, 1974:—

- (1) Delete the words “Allahabad Benches” under Col. (2) of the schedule against Eastern Zone, Calcutta and,
- (2) Add the words “Allahabad Benches” against Northern Zone, New Delhi under Col. (2) of the schedule.

2. The above amendments will come into effect from the 1st April, 1994.

3. In view of the above, the Notification No. F. 215(2)-Ad (AT)/72 dated 4th September, 1980 accordingly stands replaced.

[No. F. 215(2)-Ad(AT)/72]

CH. G. KRISHNAMURTHY, President

कार्यिक लोक शिकायत तथा पैशान मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 18 अप्रैल, 1994

का. आ. 1043.—केन्द्रीय सरकार दंड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री आर. बी. सरोज एवं प्रलाल ह श्रीयों के विरुद्ध दिल्ली विशेष पुलिस स्थापना मामला सं. आर. सी. 2/84—एस आई य. —1/एस. आई. सी.—1, नई दिल्ली के विचारण का संचालन करने के प्रयोजन के लिए श्री परमेश्वर दयाल एवं श्री आर. बी. खरे अधिवक्तागण को लखनऊ में विशेष कानूनी सलाहकार के रूप में नियुक्त करती है।

[संख्या 225/45/93—ए. बी. डी—II]

आर. एस. विष्ट, अवर सचिव

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 18th April, 1994

S.O. 1043.—In exercise of the powers conferred by Section (8) of Section 24 of Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/ Shri Parmeshwar Dayal and R. B. Khare, Advocates as Special Counsel of CBI for conducting the trial of the Delhi Special Police Establishment case No. RC. 2/84-SIU.I[SIC.I, New Delhi against R. B. Saroi and 18 others at Lucknow.

[No 225/45/93-AVD. II]

R. S. BISHT, Under Secy.

नई दिल्ली, 19 अप्रैल, 1994

का. आ. 1044.—केन्द्रीय सरकार दंड प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एनवडारा मजिस्ट्रेट, विशेष-भजिस्ट्रेट, संशेत जज तथा विशेष संशेत जज, जयपुर के व्याप्रालयों में दिल्ली विशेष पुलिस स्थापन नियमित मामला संख्या आर. सी. 1 (एस)/93—एस. आई. य. —14/एस. आई. सी.—1 तक के संचालन तथा राजस्थान राज्य में अपील और पुनरीकाश व्याप्रालयों में इन मामलों से संबंधित अन्य कार्यवाहियों के संचालन के लिए जयपुर के श्री विरेन्द्र कुमार गोदीका, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/1/94—ए. बी. डी-II)]

पराग प्रकाश, उप सचिव

New Delhi, the 19th April, 1994

S.O. 1044.—In exercise of the powers conferred by Sub-Section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974) the Central Government hereby appoints

Shri Virender Kumar Godika, Advocate, Jaipur as Special Public Prosecutor for conducting prosecution of Delhi Special Police Establishment regular Case No. RC 1(S)/93 SIU-XIV/SIC-I in the Courts of Magistrate, Special Magistrates, Sessions Judge, Special Sessions Judge at Jaipur and also in other proceedings arising out of these cases in appellate and revisional courts in State of Rajasthan.

[No. 225/1/94-AVD. II]

PARAG PRAKASH, Dy. Secy.

विश्व मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 18 अप्रैल, 1994

का. आ. 1045.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/122/93—सी. श. —8 दिनांक 22-11-93 को यह निवेश जारी किया था कि श्री यमक कामम हाजी करीम फ्लैट नं. 11 द्वितीय तल बिल्डिंग नं. 15 मथुरा दास कालीनी, कालीना, बम्बई—400098 को निरुद्ध कर लिया जाए और केन्द्रीय कारगार, बम्बई में अनिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निवेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के सांस्कौय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/122/93—सी. श—8]

स्प चन्द, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 18th April, 1994

S.O. 1045.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/122/93-Cus. VIII dated 22-11-93 under the said sub-section directing that Shri Yusuf Kassam Hajl Karim, Flat No. 11, 2nd Floor, Building No. 15, Mathuradas Colony, Kalina, Bombay-400 098 be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from indulging in activities prejudicial to the Conservation of Foreign Exchange resources in future,

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/122/93-CUS. VIII]
ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 18 अप्रैल, 1994

का. आ 1046.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से संशोधित किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/101/93—सी. शु—8 दिनांक 8-9-93 को यह निदेश जारी किया था कि श्री सुन्दर लाल भवन, 35-ए, कुमथा स्ट्रीट, आनन्द भवन, दुकान नं. 2, 290 शहीद भगत सिंह रोड, बम्बई—1 (2) 18, तृतीय तल, लक्ष्मी भवन, बी—6, बाजार गेट, बम्बई को निरुद्ध कर लिया जाए और केन्द्रीय वारागार बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अत अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/101/93—सी. शु—8]
रुप चन्द, अवर सचिव

ORDER

New Delhi, the 18th April, 1994

S.O. 1046.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/101/93-Cus. VIII dated 8-9-93 under the said sub-section directing that Shri Sunder Lal Bhavar Lal Jain, 35-A, Kumtha Street, Anand Bhavan, Shop No. 2, 290 Shahid Bhagat Singh Road, Bombay-1, (ii) 18, 3rd Floor, Laxmi Bhavan, B-6, Bazar Gate, Bombay, be detained and kept in custody in the Central Jail Bombay with a view to preventing him from indulging in activities prejudicial to the conservation of Foreign Exchange resources in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/101/93-CUS. VIII]
ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 18 अप्रैल, 1994

का. आ 1047.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से संशोधित किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/102/93—सी. शु—8 दिनांक 8-9-93 को यह निदेश जारी किया था कि श्री उदय सिंह राजपूत, अलीग्राम खोहन सिंह, 35-ए, कुमथा स्ट्रीट, आनन्द भवन दुकान नं. 2, 290 शहीद भगत सिंह रोड, बम्बई—400001 को निरुद्ध कर लिया जाए और केन्द्रीय कारगार बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके :

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा. सं. 673/102/93—सी. शु—8]
रुप चन्द, अवर सचिव

ORDER

New Delhi, the 18th April, 1994

S.O. 1047.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/102/93-Cus. VIII dated 8-9-93 under the said sub-section directing that Shri Uday Singh Rajput, alias Mehan Singh, 35-A, Kumtha Street, Anand Bhavan, Shop No. 2 290, Shahid Bhagat Singh Road, Bombay-1, (ii) 18, 3rd Floor, Laxmi Bhavan, B-6, Bazar Gate, Bombay, be detained and kept in custody in the Central Jail Bombay with a view to preventing him from indulging in activities prejudicial to the Conservation of Foreign Exchange resources in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/102/93-CUS. VIII]
ROOP CHAND, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1048.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध स्कीम) 1970 के खण्ड 3 के उपखण्ड (ज) के अनुसरण में केन्द्रीय सरकार, एतदारा नीचे दी गयी सारणी के कालम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्वान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है :

सारणी

(1)	(2)	(3)
1. सिडिकेट बैंक	श्री एस. एन. कौल, सलाहकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (आर्थिक प्रभाग), नई दिल्ली ।	श्री दिनेश चन्द्र
2. यूको बैंक	श्री एन. एन. मुखर्जी, संयुक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली ।	श्री दिनेश चन्द्र

[स. एफ. 9/41/91-वी. ओ. I(i)]
एम. एस. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 13th April, 1994

S.O. 1048.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :—

TABLE

(1)	(2)	(3)
1. Syndicate Bank	Shri S.N. Kaul, Adviser, Ministry of Finance, Department of Economic Affairs (Economic Division), New Delhi.	Shri Dinesh Chandra
2. UCO Bank	Shri N.N. Mookerjee, Joint Secretary, Ministry of Finance, Dept. of Economic Affairs (Banking Division), New Delhi.	Shri Dinesh Chandra

[No. F. 9/41/91-BO. I(i)]
M.S. SEETHARAMAN, Under Secy.

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1049.—भारतीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ड) के उपबंधों के अनुसरण में, केन्द्रीय सरकार एवं द्वारा वित्त मंत्रालय, जार्थिक कार्य विभाग (बैंकिंग प्रभाग) नामी दिल्ली में संयुक्त सचिव, श्री के. शीतारामन को श्री दिनेश चन्द्र के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्त करती है।

[सं. एफ. 9/41/91-बी. आ. 1 (ii)]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 13th April, 1994

S.O. 1049.—In pursuance of clause (e) of sub-section (1) of Section 6 of the National Bank for the Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints Shri K. Srinivasan, Joint Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as the Director of the National Bank for Agriculture and Rural Development vice Shri Dinesh Chandra.

[No. F. 9/41/91-BO I(ii)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1050.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खण्ड (घ) के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार एवं द्वारा डा. तरुण दास, जार्थिक सलाहकार, वित्त मंत्रालय जार्थिक कार्य विभाग (जार्थिक प्रभाग) नई दिल्ली को श्री एन. एन. मुखर्जी के स्थान पर भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक के रूप में नामित करती है।

[संख्या एफ. 9/41/91-बी. आ. 1 (iii)]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 13th April, 1994

S.O. 1050.—In pursuance of sub-clause (i) of clause (d) of sub-section (1) of section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby nominates Dr. Tarun Das, Economic Adviser, Ministry of Finance, Department of Economic Affairs (Economic Division), New Delhi, as a Director of the Industrial Reconstruction Bank of India vice Shri N. N. Mookerjee.

[N. F. 9/41/91-BO-I(iii)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 19 अप्रैल, 1994

का. आ. 1051.—भारतीय औद्योगिक विकास बैंक अधिनियम 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) के खण्ड (V) के अनुसरण में केन्द्रीय सरकार निम्नलिखित व्यक्तियों को दिनांक 19 अप्रैल 1994 से तीन वर्षों की अवधि के लिए

भारतीय औद्योगिक विकास बैंक के निदेशक के रूप में नामित करती है:—

(1) श्री ए. बेसन्ट सी. राज, प्रबंध निदेशक, वेसंट राज कन्सल्टेंट्स (प्रा.) लि. 35 बेसेण्ड आम स्ट्रीट आर. के. नगर मद्रास 600028

(2) डा. एस. के. गुप्ता भूतपूर्व अध्यक्ष एवं प्रबंध निदेशक मैटालर्जिकल इंजिनियरिंग कन्सल्टेंट्स (इंडिया) लि., 5/6, शान्ति निकेतन नई दिल्ली-110021

[एफ. सं. 7/4/93-बी. आ. 1]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 19th April, 1994

S.O. 1051.—In pursuance of sub-clause (v) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates the following persons to be the Directors of the Industrial Development Bank of India for a period of three years from 19th April, 1994:

(i) Sh. A. Besant C. Raj, Managing Director, Besant Raj Consultants (P) Ltd., 35, 2nd Cross Street, R. K. Nagar, Madras-600 028.

(ii) Dr. S. K. Gupta, Former Chairman and Managing Director, Metallurgical Engineering Consultants (India) Ltd., 5/6, Shanti Niketan, New Delhi-110 021.

[F. No. 7/4/93-B.O.1]

M. S. SEETHARAMAN, Under Secy.

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 22 अप्रैल, 1994

का. आ. 1052.—मै. सिंगल साइक्लिस प्राइवेट लिमिटेड इन्डिया कला, जी टी रोड, लुधियाना-141011 को 1, 39,01, 160.00 (534660.00) अमरीकी डालर) के नियात वापदे के साथ 33,31,213.00 (358893.00 अमरीकी डालर) के लागत बीमा भाड़ा मूल्य के लिए प्रग्रदाय लाईसेंस संख्या पी/एल/1526119 दिनांक 21-12-1993 की अनुलिपि में और डीर्हमी बुक म. 091565 दिनांक 21-12-93 भाग-1 (शायात) और भाग-2 (नियात) जारी होने की तिथि से 12 महीने की वैधता अवधि के लिए प्रदान किए गए थे।

मर फर्म से अग्रिम लाइसेंस की अनुलिपि (सीमाशुल्क प्रयोजन और विनियम नियंत्रण प्रति दोनों) और डी ई सी बुक (भाग-1 और भाग-2) दोनों इस आधार पर प्रदान करने के लिए आवेदन किया है कि लाइसेंस और डी ई सी बुक खो गई हैं। गुम हो गई हैं। फर्म ने अपेक्षित शपथ-पत्र प्रस्तुत किया है जिसके अनुसार उक्त अग्रिम लाइसेंस और डी ई सी बुक किसी सीमा शुल्क प्राधिकारी से बिना पंजीकृत हुए तथा बिल्कुल भी उपयोग में आएं बिना ही खो गए हैं और साइंस तथा डी ई सी बुक के बदले शेष लागत बीमा भाड़ा मूल्य 93,31,213.00 रु. (35,8,893.00 अमरीकी डॉलर) है। शपथ पत्र में इस आधार की एक घोषणा भी समाविष्ट की गई है कि उक्त अग्रिम लाइसेंस और डी ई सी बुक का बाद में पता लगने पर या उनके मिलने पर उन्हें निर्म प्राधिकारी को तुरन्त लौटा दिया जायगा।

2. इस पर संतुष्ट होते हुए कि मन अग्रिम लाइसेंस (सीमा शुल्क-प्रयोजन और विनियम नियंत्रण दोनों प्रति) और डी ई सी बुक (दोनों प्रतियों) खो गई हैं, अधोहस्ताक्षरी का यह निर्देश है कि अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन प्रति तथा विनियम नियंत्रण प्रति) और डी ई सी बुक (भाग 1 और 2) दोनों की अनुलिपि आवेदक को जारी की जाएं। विदेश व्यापार (विकास और विनियमन) अधिनियम, 1992 की धारा 9 की उपधारा (4) में प्रदत्त शक्तियों का प्रयोग करते हुए मैं, मूल अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन और विनियम नियंत्रण प्रति) और डी ई सी बुक (दोनों प्रतियों) एतद्वारा निरस्त करता हूं।

[फा. सं. 01/81/40/1451/एम-93/डी ई एस-3/108]

आर. के. सूद, उप भारतीय विदेश व्यापार
कृते भारतीय एकाकार, विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

New Delhi, the 22nd April, 1994

S.O. 1052.—M/s. Single Cycles Pvt Ltd, Dhandari Kalan, G.T. Road, Ludhiana-141011 were granted an Advance Licence No. P/L/1526119 dated 21-12-1993 in duplicate and DEEC Book No. 091565 dated 21-12-1993 Part I (Imports and Part II (Exports) for a CIF value of Rs. 93,31,213.00 (US \$ 358893.00) with an export obligation of Rs. 1,39,01,160.00 (US \$ 534660.00) with a validity of 12 months from the date of issue of the Licence. Now the firm have applied for grant of Duplicate of Advance Licence (Customs purpose and Exchange Control Copy both) and DEEC Books (Part-I and Part II) both on the ground that the licence and DEEC Books have been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid Advance Licence and DEEC Books were not, registered with Customs Authority and was not utilised at all and the balance CIF Value against the licence and DEEC Books is Rs. 93,31,213.00 (US \$ 3,58,893.00). A declaration has been incorpo-

rated in the affidavit to the effect that if the said Advance Licence and DEEC Books are traced or found later on, they will be returned to the Issuing Authority.

2. On being satisfied that the Original Advance Licence (Customs purpose and Exchange control copy both) and DEEC Books (both copies) have been lost, the undersigned directs that duplicate Advance Licence (Customs purpose copy and Exchange Control copy) and DEEC Books (Part I & II) both should be issued to the applicant. I also, in exercise of the powers conferred in sub-clause (4) of clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancell the original Advance Licence (Customs purpose and Exchange Control copy) and DEEC Books (both copies).

[F. No. 01/81/40/1451/AM-93/DES-III/108]

R. K. SOOD, Dy. Director General of Foreign Trade
For Director General of Foreign Trade.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक
वितरण मंत्रालय

नई दिल्ली, 28 मार्च, 1994

का.आ. 1053. उपभोक्ता संरक्षण नियम, 1987 के नियम 3 के उप नियम (1) के साथ पठित उपभोक्ता संरक्षण अधिनियम, 1986 (1986 का 68) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित का नाम केन्द्रीय उपभोक्ता संरक्षण परिषद के सदस्य के रूप में अधिसूचित करती है और इस उद्देश्य से नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय, भारत सरकार की अधिसूचना संख्या का.आ. 888(अ) दिनांक 23 नवम्बर, 1993 में निम्नांकित संशोधन करती है :

उक्त अधिसूचना में शीर्ष “ड” नियम 3 के उप नियम (1) के खंड (ज) के अंतर्गत महिलाओं के प्रतिनिधि के अन्तर्गत क्रमांक 109 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित क्रम सं. और प्रविष्टियां रखी जाएंगी, प्रथमतः :-

“109. मुश्ति नीलम सिंह

मोहल्ला राजपूतना

सोहना

जिला : गुडगांव (हरियाणा) — सदस्य”

[मिलि संख्या 13/5/93-सी.पी.यू.]

अनुराग सरसेना, अवर सचिव

टिप्पण : मुख्य अधिसूचना भारत के गजपत्र (अमाधारण) खंड II, धारा 3 के उप खंड (ii) में अधिसूचना का.आ.सं. 888(अ) दिनांक 23 नवम्बर, 1993 द्वारा प्रकाशित की गई थी और तत्पश्चात का.आ.सं. 1047(अ) दिनांक 30 दिसम्बर, 1993 द्वारा शोधित की गई थी।

MINISTRY OF CIVIL SUPPLIES (CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION)

New Delhi, the 28th March, 1994

S.O. 1053.—In exercise of the Powers conferred by sub-section (1) of section 4 of the Consumer Protection Act, 1986 (68 of 1986) read with sub-rules (1) and (3) of rule 3 of the Consumer Protection Rules, 1987, the Central Government hereby notifies the name of the following as member on the Central Consumer Protection Council and for that purpose amends the Government notification, in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution number S.O. 888(E) dated the 23rd November, 1993 as follows, namely:—

In the said Notification, under the heading "E". Representatives of Women under clause (h) of sub-rule (1) of rule 3",

for serial number 109 and the entries relating thereto, the following serial number and the entries shall be substituted, namely:—

"109. Ms. Ncelam Singh,
Mohalla Rajputana,
Sohna,
Distt. Gurgaon (Haryana)

-- Member".

[F. No. 13/5/93-CPU]

ANURAG SAXENA, Under Secy.

Note:—The principal notification was published in the Gazette of India (Extra-ordinary) Part II, Section 3, sub-section (ii) vide notification number S.O. 888(E) dated 23rd November, 1993, and subsequently amended vide number S.O. 1047(E) dated 30th December, 1993.

कोयला मंत्रालय

नं. ८ दिल्ली, 25 मार्च, 1994

का.आ. 1054.—केन्द्रीय सरकार को यह प्रतीन होता है कि इसमें उपायद्वारा अनुसूची में उल्लिखित भूमि में कोयला अधिग्राप्त किए जाने की संभावना है,

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1947 (1957 का 20) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आण्य की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र रेखांक सं. सी-1/(ई) (iii)/जे.आ.आर./504/192 तारीख 2 जनवरी, 1992 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलेक्टर चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, कार्जसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में क्षितिवद्वारा सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में, निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख नव्वे दिन के भीतर भार साधक अधिकारी/विभागाध्यक्ष (राजस्व) कोलफील्ड्स लिमिटेड को कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) भेजेंगे।

अनुसूची "क"

मनोरा ब्लाक

बेनी क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र राज्य)

रेखांक सं. सी-1(ई)/III/जे.आर./504-192 तारीख 2-1-1992

क्रम सं.	ग्राम का नाम	पटवारी संकिल सं.	तहसील	जिला	क्षेत्र (हेक्टर में)	टिप्पणियां
1.	पंचाडला	7	भद्रावती	चन्द्रपुर	87-00	भाग
2.	कांसा-सीरपुर	8	भद्रावती	चन्द्रपुर	60-00	भाग
3.	जेना-नेउली	6	भद्रावती	चन्द्रपुर	180-00	भाग
4.	सोमनाला-रीथ	6	भद्रावती	चन्द्रपुर	167.86	भाग
5.	बांड थाला	6	भद्रावती	चन्द्रपुर	343.89	भाग
6.	चिनाला रीथ	8	भद्रावती	चन्द्रपुर	35-00	भाग
7.	लायगांव रीथ	6	भद्रावती	चन्द्रपुर	132.65	पूर्ण

कुल क्षेत्र: 1106.40 (हेक्टर) लगभग

या

2734.02 एकड़ (लगभग)

अनुसूची "ख"

क्रम सं.	रेंज का नाम	कम्पार्टमेंट सं.	काप सं.	श्रेत्र (हेक्टर में)	ट्रायपणियाँ
1. बरोरा रेंज		213	II	128.28	पूर्ण
		214	III	52.21	पूर्ण
		215	I	84.18	पूर्ण
			IV	99.55	पूर्ण
			V	78.10	पूर्ण

कुल क्षेत्र 442.32 हेक्टर (लगभग) या
1093.02 एकड़ (लगभग)

कुल योग (अनुसूची क + ख) 1548.72 हेक्टर (लगभग)
या 3827.04 एकड़ (लगभग)

सीमावर्णन :

क—ख	रेखा बिन्दु "क" से आरंभ होती है और ग्राम पंवाडला के होकर मे गुजरती है तब ग्राम पंवाडला, बैलोरा मटटे और गोबरदीप की सम्मिलित सीमा के साथ-साथ आगे बढ़ती है और "ख" बिन्दु पर मिलती है।
ख—ग	रेखा ग्राम गोबरदीप और कासासीरपुर, गोबरदीप और जेना-नेउली की सम्मिलित सीमाओं के साथ-साथ गुजरती है और बिन्दु "ग" पर मिलती है।
ग—घ	रेखा ग्राम जेना-नेउली से होकर गुजरती है तब ग्राम भोमनाला से होकर आगे बढ़ती है और "घ" बिन्दु पर मिलती है।
घ—ङ	रेखा ग्राम वांडथाला और बराज मोकसा नवरांव रीथ और बराज मोकासा की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
ङ—च—च—छ	रेखा आरक्षित बन (बरोरा रेंज) की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "छ" पर मिलती है।
ज—झ	रेखा ग्राम मांगली और नवार गांव रीथ की सम्मिलित सीमा के साथ-साथ जाती है, तब नवार गांव रीथ की बाहरी सीमा के साथ-साथ आगे बढ़ती है और "झ" बिन्दु पर मिलती है।
झ—अ	रेखा ग्राम चिन्चाला रीथ, जेना-नेउली कांसा-सिरपुर और पंवाडला से होकर गुजरती है और बिन्दु "अं" पर मिलती है।
अ—क	रेखा ग्राम पंवाडला से होकर गुजरती है और आरंभिक बिन्दु "क" पर मिलती है।

[स. 43015/3/92-एल एम डब्ल्यू]

बी.बी.राव, अवर सचिव

MINISTRY OF COAL

New Delhi, the 25th March, 1994

S.O. 1054.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedules hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/JJR/504-192 dated the 2nd January, 1992 of the areas covered by this notification can be inspected in the office of Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines Nagpur-440001 (Maharashtra) or in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE 'A'
MANORA BLOCK
WANI AREA

District Chandrapur (Maharashtra State)
(Plan No. C-1 (E)/III/JJR/504-192 dated 2-1-1992)

Sl. No.	Name of Village	Patwari circle number	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Panwadala	7	Bhadrapati	Chandrapur	87.00	Part
2.	Kansa-Sirpur	8	Bhadrapati	Chandrapur	60.00	Part
3.	Jena-Neuli	8	Bhadrapati	Chandrapur	180.00	Part
4.	Somnala Rith	6	Bhadrapati	Chandrapur	167.86	Part
5.	Bondthala	6	Bhadrapati	Chandrapur	343.89	Full
6.	Chinchala Rith	8	Bhadrapati	Chandrapur	35.00	Part
7.	Nawargaon Rith	6	Bhadrapati	Chandrapur	232.65	Full
Total area :					1106.40 hectares (approximately) or 2734.02 acres (approximately)	

SCHEDULE 'B'

Sl. No.	Name of Range	Compartment number	Coup number	Area in hectares	Remarks
1	2	3	4	5	6
1.	Warora Range	213	II	128.28	Full
		214	III	52.21	Full
		215	I	84.18	Full
			IV	99.55	Full
			V	78.10	Full
Total area :					442.32 hectares (approximately) or 1093.02 acres (approximately)
Grand Total (Schedule A + B)-					1548.72 hectares (approximately) or 3827.04 acres (approximately)

Boundary description :

A-B

Line starts from point 'A' and passes through village Panwadala, then proceeds along the common boundary of village Panwadala, Belora Matte and Gewardip and meets at point 'B'.

B—C	Line passes along the common boundaries of villages Gowardip and Kansa Sirpur, Gowardip and Jena-Neuli and meets at point 'C'.
C—D	Line passes through village Jena-Neuli then proceeds through village Somnala Rith and meets at point 'D'.
D—E	Line passes along the common boundaries of villages Bondthala and Buranj Mokasa, Nawargaon Rith and Buranj Mokasa and meets at point 'E'.
E—F—G—H	Line passes along the outer boundary of Reserved Forest (Warora Range) and meets at point 'H'.
H—I	Line passes along the common boundary of villages Mangli and Nawargaon Rith, then proceeds along the outer boundary of Nawargaon Rith and meets at point 'I'.
I—J	Line passes through village Chinchala Rith, Jena-Neuli, Kansar-Sirpur and Panwadala and meets at point 'J'.
J—A	Line passes through village Panwadala and meets at starting point 'A'.

[No. 43015/3/92-LSW]
B.B. RAO, Under Secy.

तर्दि दिल्ली, 25 मार्च, 1994

का.आ. 1055 :—केन्द्रीय सरकार ने, कोयला धारक धात्र (प्रमेण और विचास) अधिनियम, 1957 (1957 ना 20) (जिसे इसमें पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (i) के अधीन जारी और भारत के राजपत्र ग्रामधारण भाग 2 खड 3, उपनड (ii) नारीख 27 नवम्बर, 1992 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना में, का.आ. 875(अ) नारीख 27 नवम्बर, 1992 द्वारा इस अधिसूचना में संवर्ग अनुमूली में विनिदित परिक्षेत्र की भूमि में, जिसका क्षेत्रकल 4163.766 एकड़ (लगभग) या 1685.053 हेक्टर (लगभग) है उक्त अधिकारों का अर्जन करने के अपने आप की सूचनादी थी।

और साथम प्राधिकारी ने उक्त अधिनियम की धारा 8 के केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और मध्य प्रदेश सरकार से परामर्श करने के पश्चात् यह सनाद्धान हो गया है कि इसमें संलग्न अनुमूली में वर्णित 4162.849 एकड़ (लगभग) या 1684.682 हेक्टर (लगभग) माप वाली भूमि में उक्त अधिकार अर्जित किए जाने चाहिए।

अतः यह केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त अनुमूली में वर्णित 4162.849 एकड़ (लगभग) या 1684.682 हेक्टर (लगभग) माप वाली भूमि में उक्त अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्द्रीन आने वाले क्षेत्र के रेखांक सं. एन.इ.सी.एन./वी.एस.पी./जी.एम. (योनना)/भमि/125 नारीख 20 अगस्त, 1993 का निरीक्षण कन्कटर, यगाणा मध्य प्रदेश के कार्यालय में या कोयला नियंत्रण 1, कॉउनिल हाउस रॉड, कलकत्ता-700001 के कार्यालय में अभियन्नवं कोयला फील्डम (राजस्व अनुभाग) सीपिल रोड, विनासपुर-49500 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

अनुसूची

सेन्ट्रोपरा परियोगना

(बिसरामपुर लेव)

जिला सरगुजा (मध्य पदण)

(भूग्र अर्जित धरणों का व्यापक वर्णन है)

सं.	ग्राम का नाम	ग्राम संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1	2	3	4	5	6	7
1.	बंगीपुर	44	प्रतापपुर	मरणा	718.00	भाग
2.	दुर्ती	22	प्रतापपुर	सरगुजा	340.205	भाग

1	2	3	4	5	6	7
3.	जरही	20	प्रतापगुर	मरगुजा	235.050	भाग
4.	कोरांधा	19	प्रतापगुर	मरगुजा	26.924	भाग
5.	सेन्दोपारा	21	प्रतापगुर	मरगुजा	48.493	भाग
6.	आर्मिन बन	—	—	सरगुजा	316.000	भाग
कुल :					1684.682	हेटर (लगभग)
या					4162.849	एकड़ (लगभग)

ग्राम वंशीपुर (भाग) में श्रिंगत किए जाने वाले प्लाट संख्यांक

1 से 72, 73 (भाग), 74 (भाग), 75 (भाग), 76 से 238, 239 (भाग), 240 (भाग), 241 (भाग), 244 (भाग), 246 (भाग), 248 से 270, 271 ते 272 से 275, 286 (भाग), 287 (भाग), 288 (भाग), 289 (भाग), 290, 292 से 649, 651, 652, 653 (भाग), 654 (भाग), 655 से 725, 726 से 751, 727 से 751, 752 (भाग), 753 (भाग), 754 (भाग), 762 (भाग), 763 (भाग), 764, 765, 766 (भाग), 767, 768 (भाग), 769, 770 (भाग), 778 (भाग), 779 (भाग), 780 (भाग), 781 ते 788, 789 (भाग), 790, 791, 792 (भाग), 793 (भाग), 796 (भाग), 809 (भाग), 811 (भाग), 812 से 821, 822 से 844, 845 (भाग), 846 (भाग), 847 (भाग), 848 (भाग), 849 (भाग), 854 (भाग), 884 से 887, 888 (भाग), 889 से 896, 903 से 907, 908 (भाग), 909 (भाग), 910, 912 से 916, 917 (भाग), 918 (भाग), 919 (भाग), 923 (भाग), 924 से 926, 927 (भाग), 928, 929 (भाग), 931, 932 (भाग), 936 (भाग)।

ग्राम दुर्घटी (भाग) में श्रिंगत किए जाने वाले प्लाट संख्यांक

519 (भाग), 546 (भाग), 549 (भाग), 550, 551, 552 (भाग), 553 (भाग), 554 (भाग), 562 (भाग), 565, 566, 568 (भाग), 569 (भाग)।

ग्राम जरही (भाग) में श्रिंगत किए गए प्लाट संख्यांक

37 (भाग), 41 (भाग), 42 (भाग), 46 (भाग), 48 (भाग), 49 से 53, 54 (भाग), 55 (भाग), 56 (भाग), 89 (भाग), 90, 91 (भाग), 93 (भाग), 95 (भाग), 96, 97 (भाग), 98, 99, 100 (भाग), 101 (भाग), 117 (भाग), 122 (भाग), 124 (भाग), 125 (भाग), 126 से 129, 130 (भाग), 131 से 135, 136 (भाग), 138 (भाग), 139 (भाग), 140 से 149, 150 (भाग), 151 से 159, 160 (भाग), 161 से 181, 182 (भाग), 186 (भाग), 188 (भाग), 189 से 217, 218 (भाग), 219 (भाग), 220, 221 (भाग), 226 (भाग), 232 (भाग), 233 (भाग), 234 से 261, 262 (भाग), 263 से 265, 266 (भाग), 267 (भाग), 268 से 274, 275 (भाग), 301 (भाग), 304 (भाग), 305 से 318, 319 (भाग), 320 (भाग), 342 (भाग), 343, 344 (भाग), 345 से 357, 358 (भाग), 359 (भाग), 360 (भाग), 361 (भाग), 362 (भाग), 365 (भाग), 366 (भाग), 367 (भाग), 368 (भाग), 392 (भाग), 393 (भाग), 442 (भाग), 443 (भाग), 444, 445 (भाग), 446 से 489, 490 (भाग), 491 (भाग), 492, 493 (भाग), 494, 495, 507 (भाग), 508 (भाग), 509, 510, 511 (भाग), 513 (भाग), 514 (भाग), 515 (भाग), 546 (भाग), 972 (भाग)।

ग्राम कोरांधा (भाग) में श्रिंगत किए जाने वाले प्लाट संख्यांक

1 (भाग), 2 (भाग), 284 (भाग), 285 (भाग), 286 (भाग), 287 (भाग), 288 से 294, 295 (भाग), 309 (भाग), 310, 311 (भाग), 312, 313 (भाग), 317 (भाग), 318, 319 (भाग), 320 (भाग), 321 (भाग), 490 (भाग), 491 (भाग), 492 से 494, 495 (भाग), 518 (भाग), 519 से 522, 523 (भाग), 524 (भाग), 602, 694 (भाग), 695 से 697, 703 (भाग)।

ग्राम सेन्दोपारा (भाग) से श्रिंगत किए जाने वाले प्लाट संख्यांक

50 (भाग), 51 (भाग), 52 (भाग), 53 (भाग), 57 (भाग), 58 (भाग), 59 (भाग), 60 (भाग), 61 (भाग), 62 से 80, 81 (भाग), 82 (भाग), 83 से 84 (भाग), 85 (भाग), 110 (भाग), 127 (भाग), 128 (भाग), 129 (भाग), 130 (भाग), 139 (भाग), 144 (भाग), 145, 146 (भाग), 147 (भाग), 148 (भाग), 149 से 177 180।

सीमा वर्णन :

क-ख-ग	रेखा, ग्राम सेन्दोपारा में बिन्दु "क" से आरंभ होती है और प्लाट संख्यांक 85, 62, 81, 82, 50, 51, 50, 52, 53, 57, 58, 59, 60, 61 से होकर जाती है, फिर ग्राम दुर्गी में बढ़ती है और प्लाट संख्यांक 546, 549, 519, 552, 553, 554 से होकर जाती है और बिन्दु "ग" पर मिलती है।
ग-ब-उ	रेखा, ग्राम दुर्गी में प्लाट संख्यांक 554, 562 से होकर जाती है, फिर ग्राम बंगोपुर में प्लाट संख्यांक 888, 73, 74, 75, 241, 240, 239, 244, 239, 246, 888, 237, 286, 288 से होकर आगे बढ़ती है और महानदी के किनारे पर हिन्दु "इ" पर मिलती है।
झ-च	रेखा, भागत: महानदी के दक्षिणी किनारे के साथ-साथ जाती है और बिन्दु "च" पर मिलती है।
ष-छ-ज	रेखा, ग्राम बंगोपुर में प्लाट संख्यांक 653, 654 से होकर जाती है और फिर आरक्षित बन की पूर्वी सीमा के साथ-साथ जाती है और हिन्दु "ट" पर मिलती है।
झ-क्र-ट	
ट-ठ-ड	रेखा, आरक्षित बन की दक्षिणी सीमा के साथ-साथ जाती है, फिर ग्राम बंगोपुर में प्लाट संख्यांक 789, 929, 793, 932, 796, 792, 936, 927, 780, 923, 779, 778, 917, 918, 770, 919, 768 से होकर प्रवेश करती है और बिन्दु "ड" पर मिलती है।
ड-ट	रेखा, ग्राम बंगोपुर में प्लाट संख्यांक 909, 766, 908, 811, 763, 809, 762, 754, 753, 752, 854, 726, 845, 846, 847, 889, 849, 848 से होकर जाती है। फिर ग्राम कोरांधा में प्लाट संख्यांक 703, 524, 523, 518, 495, 490, 491, 694, 295, 399, 311, 317, 321, 320, 319, 287, 286, 285, 284 से होकर आगे बढ़ती है और बिन्दु "ट" पर मिलती है।
ठ-ण-त-थ	रेखा, ग्राम कोरांधा में प्लाट संख्यांक 2, 1 से सोकर जाती है, फिर ग्राम जरही में आगे बढ़ती है और प्लाट संख्यांक 262, 266, 267, 275, 233, 221, 218, 219, 218, 226, 1) 8, 186, 182, 232, 304, 301, 515, 514, 513, 319, 511, 508, 507, 490, 491, 493, 360, 359, 546, 445, 443, 442, 342 393, 392, 393, 392, 344, 362, 361, 358, 365, 366, 367, 368, 89 से होकर जाती है और "थ" पर मिलती है।
थ-द-क	रेखा, ग्राम जरही में प्लाट संख्यांक 89, 91, 93, 95, 97, 100, 101, 125, 124, 122, 130, 136, 189, 138, 150, 137, 56, 55, 54, 48, 42, 46, 42, 41, 160, 37 से होकर जाती है। फिर ग्राम दुर्गी में आगे बढ़ती है और प्लाट संख्यांक 569, 568 से होकर जाती है, फिर भागत: दुर्गी-कापसरा, सेन्दोपारा कापसरा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है, फिर ग्राम सेन्दोपारा में प्लाट संख्यांक 128, 127, 128, 130, 129, 148, 147, 146, 139, 144, 110, 84, 85 से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[म. 43015/18/90-प्ल एस डब्ल्यू]

बी.बी. राव, अवर सचि

New Delhi, 25th March, 1994

S.O. 1055.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 875(E) dated the 27th Nov., 1992, issued under sub-section (i) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section, Sub-section (ii) of the Gazette of India Extraordinary, dated the 27th November, 1992, the Central Government gave notice of its intention to acquire the mining rights in the lands measuring 4163.766 acres (approximately) or 1685.053 hectares (approximately) in the locality specified in the Schedule appended to that notification;

And whereas the Competent Authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after consulting the report aforesaid and after consulting the Government of Madhya Pradesh, is satisfied that the mining rights in the lands measuring 4162.849 acres (approximately) or 1684.682 hectares (approximately) described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the mining rights in the lands measuring 4162.849 acres (approximately) or 1684.682 hectares (approximately) described in the said Schedule are hereby acquired.

The plan bearing number: SECL/BSP/GM(Planning)/Land/125, dated the 20th August, 1993 of the area covered by this notification may be inspected in the office of the Collector, Surguja (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepi Road, Bilaspur-495001 (Madhya Pradesh).

SCHEDEULE

SENDHOPARA PROJECT

BISRAMPUR AREA

DISTRICT SURGUJA (MADHYA PRADESH)

MINING RIGHTS

Sl. No.	Name of Village	Village number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Bansipur	44	Pratappur	Surguja	718.001	Part
2.	Durti	22	Pratappur	Surguja	340.205	Part
3.	Jarhi	20	Pratappur	Surguja	235.059	Part
4.	Korendha	19	Pratappur	Surguja	26.924	Part
5.	Sen Chopara	21	Pratappur	Surguja	48.493	Part
6.	Reserve Forest	—	—	Surguja	316.000	Part
Total :					1684.682 hectares (approximately) or 4162.849 acres (approximately)	

Plot numbers acquired in village Bansipur (Part) : 1 to 72, 73 (part), 74 (Part), 75 (part), 76 to 238, 239 (part), 240(part), 241(part), 244(part), 246 (part), 248 to 270, 271, 272 to 275, 286(part), 287(part), 288(part), 289, 290, 292 to 649, 651, 652, 653(part), 654(part), 655 to 725, 726 (part), 727 to 751, 752(part), 753 (part), 754(part), 762(part), 763(part), 764, 765, 766(part), 767, 768(part), 769, 770(part), 778(part), 779(part), 780(part), 781 to 788, 789(part), 790, 791, 792(part), 793(part), 796(part), 809(part), 811(part), 812 to 821, 822 to 844, 845(part), 846(part), 847(part), 848(part), 849(part), 854(part), 884 to 887, 888(part), 887 to 876, 903 to 907, 908(part), 909(part), 910, 912 to 916, 917(part), 918(part), 919(part), 923(part), 924 to 926, 927(part), 928, 929(part), 931, 932(part), 936 (part).

Plot numbers acquired in village Durti (part) : 519 (part), 546(part), 549(part), 550, 551, 552(part), 553(part), 554(part), 562(part), 565, 566, 568(part), 569(part).

Plot numbers acquired in village Jarhi (part) : 37(part), 41(part), 42(part), 46(part), 48(part), 49 to 53, 54(part), 55(part), 56(part), 89(part), 90, 91(part), 93(part), 95(part), 96, 97(part), 98, 99, 100(part), 101 (part), 117(part), 122(part), 124(part), 126 to 129, 130(part), 131 to 135, 136(part), 138(part), 139(part), 140 to 149, 150(part), 151 to 159, 160(part), 161 to 181, 182(part), 186(part), 188(part), 189 to 217, 218(Part), 219(part), 220, 221(part), 226 (part), 232(part), 233(part), 234 to 261, 262 (part), 263 to 265, 266(part), 267 (part), 268 to 274, 275(part), 301(part), 304(part), 305 to 318, 319(part), 320 to 341, 342(part), 343, 344(part), 345 to 357, 358(part), 359(part), 367(part), 361(part), 362(part), 365(part), 366(part), 367(part), 368(part), 92(part), 393(part), 442(part), 443(part), 444, 445(part), 446 to 489, 490(part), 491(part), 492, 493(part), 494, 495, 507(part), 508(part), 509, 510, 511(part), 513(part), 514(part), 515(part), 546(part), 972.

Plot numbers acquired in village Korandha (part)1 :—1(part), 2(part), 284(part), 285(part), 285(part), 287(part), 288 to 294, 295(part), 309(part), 310, 311 (part), 312, 313(part), 317(part), 318, 319(part), 320(part), 321(part), 490(part), 499(part), 492 to 494, 495(part), 518(part), 519 to 522, 523(part), 524(part), 602, 694 (part), 695 to 697, 703 (part).

Plot numbers acquired in village Sendhopara (part) : 50(part), 51(part), 52(part), 53(part), 57(part), 58(part), 59(part), 60(part), 61(part), 62 to 80, 81 (part), 82(part), 83, 84(part), 85(part), 110(part), 127(part), 128(part), 129(part), 130(part), 139(part), 144(part), 145, 146(part), 147(part), 148(part), 149 to 177, 180.

Boundary description :

A—B—C Line starts from point 'A' in village Sendhopara and passes through plot numbers 85, 82, 81, 82, 50, 51, 50, 52, 53, 57, 58, 59, 60, 61 then proceeds in village Durti and passes through plot numbers 546, 549, 519, 552, 553, 554 and meets at point 'C'.

C—D—E Line passes in village Durti through plot numbers 554, 562, then proceeds in village Bansipur through plot numbers 888, 73, 74, 75, 241, 240, 239, 244, 239, 246, 888, 287, 286, 288, and meets on the bank of Mahan River at point 'E'.

E—F Line passes partly along the partly southern bank of Mahan River and meets at point 'F'.

F—G—H—I—J—K Line passes in village Bansipur through plot numbers 653, 654 then along the eastern boundary of Reserved Forest and meets at point 'K'.

K—L—M Line passes along the southern boundary of Reserved Forest then enter in village Bansipur through plot numbers 789, 929, 793, 932, 796, 792, 936, 927, 780, 923, 779, 778, 917, 918, 770, 919, 768 and meets at point 'M'.

M—N Line passes in village Bansipur through plot numbers 909, 766, 908, 811, 763, 809, 762, 754, 753, 752, 854, 726, 845, 846, 847, 849, 848 then proceeds in village Korandha through plot numbers 703, 524, 523, 518, 495, 490, 491, 694, 295, 309, 311, 317, 321, 320, 319, 287, 286, 285, 284, 2 and meets at point 'N'.

N—O—P—Q Line passes in village Korandha through plot numbers 2, 1, then proceeds in village Jarhi and passes through plot numbers 262, 266, 267, 275, 233, 221, 218, 219, 218, 226, 188, 186, 182, 232, 304, 301, 515, 514, 513, 319, 511, 508, 507, 490, 491, 493, 546, 445, 443, 442, 342, 393, 392, 393, 392, 344, 362, 361, 360, 359, 358, 365, 366, 367, 368, 89 and meets at point 'Q'.

Q—R—A Line passes in village Jarhi through plot numbers 89, 91, 93, 95, 97, 100, 101, 125, 124, 122, 130, 136, 139, 138, 150, 117, 56, 55, 54, 48, 42, 46, 42, 41, 160, 37 then proceeds in village Durti and passes through plot numbers 569, 568, then partly along common boundaries of villages Durti-Kapsara, Sendhopara-Kapsara, then passes in village Sendhopara through plot numbers 128, 127, 128, 130, 129, 148, 147, 146, 139, 144, 110, 84, 85 and meets starting point at 'A'.

[No. 43015/18/90-LSW]
B.B. RAO, Under Secy.

नई दिल्ली, 28 मार्च, 1994

का.आ. 1056.—केन्द्रीय सरकार ने कोरिला धारक लेव (अर्जन जीर्ण विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की भाग 7 की उपाधारा (i) के अवीन जारी और भारत के राजपत्र भाग 2 खंड 3 उपखंड (ii) तारीख 19 मिस्राच, 1992 में प्रकाशित भारत सरकार के कोरिला मंत्रालय की अधिमूचना/मंत्र्योक्त का, आ. 2424 तारीख 26 अगस्त, 1992 द्वारा उस अधिमूचना से संलग्न अनुसूची में विनिर्दिष्ट परिसीम की भूमि में जिसका माप 153.61 एकड़ (लगभग) या 379.58 एकड़ (लगभग) है, उनके अधिकारों का अर्जन करने के अपने आप वी सूचना दी थी।

और उसी अधिनियम की धारा 8 के अनुसरण में सभस प्राविकारी ने अपनी रिपोर्ट केन्द्रीय सरकार को देंदी है।

और पूर्वोक्त रिपोर्ट पर विवार करने के पश्चात् और सहारादृ सरकार ने परम्परा वर्तने के पश्चात् केन्द्रीय सरकार का यह समाधान हो गया है कि मन्त्रन अनुसूचा में वरित भूमि में जो का माप 153.61 एकड़ (लगभग) या 379.58 एकड़ (लगभग) है, उनके अधिकारों को अर्जित किया जाना चाहिए।

थन: अब केन्द्रीय ग्रामीण उन्न अधिनियम की धारा 9 की उन्नारा (1) द्वारा प्रदत्त ग्रंथियों का प्रयोग करते हुए, घोषणा करती है कि उनके प्रत्येक भूमि में वर्णित भूमि में जिसका ग्राम 153.61 हेक्टर (लगभग) या 379.58 एकड़ (लगभग) है, उनमें अधिकार अर्जित करता है।

ग्रन्तसूची

नाम संज्ञी विस्तार लालक

संज्ञी धेन

जिला चन्दपुर (महाराष्ट्र)

खनन अधिकार

क्र. सं.	ग्राम का नाम	पटवारी मर्किल मं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
1.	पटाला	3	भद्रायती	चन्दपुर	127.73	भाग
2.	नामलाला	2	भद्रायती	चन्दपुर	25.88	भाग
				कुल क्षेत्र	153.61 हेक्टर (लगभग)	
				या	379.58 एकड़ (लगभग)	

ग्राम पटाला में अर्जित किए जाने वाले प्लाट संख्यांक

1 से 29, 30/1, 30/2, 31 से 33, 34 भाग, 35 भाल, 36 से 38, 39 भाग, 41 भाग, 42 भाग, 43 भाग, 50 भाग, 51 भाग, 52 भाग, 53 भाग, 54 भाग, 127 भाग, 137 भाग, 138 भाग, 139, 140 भाग, 141 भाग, 142 भाग, 143 से 182, 183 भाग, 184 भाग, 190 भाग, 192 भाग, 193 भाग, 194, 195/1-2, 196 से 204, 217 से 219, 474 से 476, 478 से 498, 500 भाग, सङ्केत भाग, नाला भाग।

ग्राम नामलाला में अर्जित किए जाने वाले प्लाट संख्यांक

3, 4, 5 भाग, 6, 7/1 से 7/2, 8 भाग, 9 भाग, 10, 11, 12 भाग, 13 भाग, 16 भाग, 17/1, 17/2, 18 भाग, 21 भाग, 22, 23, 24 भाग, 25 भाग, 26 भाग, गङ्क भाग।

इस अधिसूचना के अन्तर्गत ग्रामों धेन के ऐवांक मं. सी-1 (ई)/III/जे.जे.एम.आर./529-1292 तारीख 14 दिसंबर, 1992 का निरीक्षण कलक्टर, चन्दपुर के कार्यालय में या कोपता नियंत्रक, 1, कार्डिनल हाउस स्ट्रीट, कलकत्ता में या वेस्टर्न को-फाइब्रम लि. (राज्यव विभाग), कोपता एस्टेट, सिविल लाइन्स, नागपुर (महाराष्ट्र) के कार्यालय में किया जा सकता है।

सीमा वर्णन :

क-ख नेवा, विन्दु "क" से आरंभ होती है और बर्धा नदी की उत्तरी सीमा के साथ-साथ पटाला ग्राम से होकर जाती है और विन्दु "ख" पर मिलती है।

ख-ग नेवा, प्लाट संख्यांक 474, 476, 485, 484, 483, 498, 482, 481, 479, 478, 219, 218, 217, सङ्केत की पूर्वी सीमा के साथ-साथ पटाला ग्राम से होकर जाती है फिर सङ्केत की पूर्वी सीमा के साथ-साथ नामलाला ग्राम से होकर जाती है और विन्दु "ग" पर मिलती है।

ग-घ नेवा, नामलाला और तुरना ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और विन्दु "घ" पर मिलती है।

घ-क नेवा, नामलाला ग्राम में प्लाट संख्यांक 26, 25, 24, 21, 18, 16 सङ्केत प्लाट संख्यांक 12, 13, 9, 8, 5 से होकर जाती है फिर ग्राम पटाला से होकर जाती है, नाला पार करती है और प्लाट संख्यांक 193, 192, 190, 183, 137, 138, सङ्केत प्लाट संख्यांक 127, 140, 141, 142, 39, 41, 42, 43 नाला, प्लाट संख्यांक 35, 34, 500, 50 नाला प्लाट संख्यांक 51, 52, 53 और 54 से जाती है और आरंभिक विन्दु "क" पर मिलती है।

New Delhi, the 28th March, 1994

S.O. 1056.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2424 dated the 26th August, 1992 issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act, and published in the Gazette of India, Part II Section 3, Sub-section (ii) dated the 19th September, 1992, the Central Government gave notice of its intention to acquire the mining rights in the lands measuring 153.61 hectares (approximately) or 379.58 acres (approximately) in the locality specified in the Schedule appended to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government:

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that the mining rights in the lands measuring 153.61 hectares (approximately) or 379.58 acres (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the mining rights in the lands measuring 153.61 hectares (approximately) or 379.58 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The plan bearing number C-1(E)III/JJMR/529—1292 dated the 14th December, 1992, of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur (Maharashtra),

SCHEDULE
NEW MAJRI EXTENSION BLOCK
MAJRI AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

Mining Rights

Serial No.	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1. Patala		3	Bhadrawati	Chandrapur	127.73	Part
2. Naglon		2	Bhadrawati	Chandrapur	25.88	Part
Total area:						153.61 hectares (approximately)
or						379.58 acres (approximately)

Plot numbers acquired in village Patala:

1 to 29, 30/1, 30/2, 31 to 33, 34 part, 35 part, 36 to 38, 39 part, 41 part, 42 part, 43 part, 50 part, 51 part, 52 part, 53 part, 54 part, 127 part, 137 part, 138 part, 139, 140 part, 141 part, 142 part, 143 to 182, 183 part, 184 part, 190 part, 192 part, 193 part, 194, 195/1-2, 196 to 204, 217 to 219, 474 to 476, 478 to 498, 500 part, road part, Nallah part.

Plot numbers acquired in village Naglon:

3, 4, 5 part, 6, 7/1-7/2, 8 part, 9 part, 10, 11, 12 part, 13 part, 16 part, 17/1, 17/2, 18 part, 21 part, 22, 23, 24 part, 25 part, 26 part, road part.

Boundary description:

A-B

Line starts from point 'A' and passes through village Patala along the northern boundary of Wardha river and meets at point 'B')

B-C Line passes through villages Patala along the outer boundary of plot numbers 474, 476, 485, 484, 483, 498, 482, 48, 479, 478, 219, 218, 217, eastern boundary of road, then proceeds through village Naglon along the eastern boundary of road and meets at point 'C'.

C-D Line passes along the common boundary of villages Naglon and Kusna and meets at point 'D'.

D-A Line passes through village Naglon in plot numbers 26, 25, 24, 21, 18, 16, road, 12, 13, 9, 8, 5 then proceeds through village Patala, crosses Nallah and passes in plot numbers 193, 192, 190, 183, 184, 137, 138, road, 127, 140, 141, 142, 39, 41, 42, 43, Nallah, 35, 34, 500, 50, Nallah, 51, 52, 53 and 54 and meets at starting point 'A'.

[No. 42015/11/90—LSW]
B. B. RAO, Under Secy.

मर्ड दिल्ली, २८ मार्च, १९९४

का. प्रा. 1057—केन्द्रीय सरकार ने, कोपना धारक शेव (अंजन और विहास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 7 को उपयारा (i) के अधीन जारी की गई और भारत के राजपत्र गणराज्य मार्ग 2, खंड 3, उपर्यंत (ii), तारीख 25 जनवरी, 1993 में प्रकाशित, भारत सरकार के कोयला गंदालय की अधिसूचना, म. का. प्रा. 70(अ), तारीख 25 जनवरी, 1993 द्वारा उप अधिवृत्ता में संनग अनुसूची में विनियिट परिक्षेत्र की भूमि में, विनियिट मार्ग 5594, 92 प्रकृति (लाभाग) या 2264.234 ट्रैक्टर (लगभग) है, जो अधिनियम का अंगत करने के अन्ते आशय की सूचना दी गई।

और सभी प्राधिकारी ने उक्त अधिनियम की धारा 8 के प्रत्यक्षरण में केन्द्रीय सरकार को अपनी रिपोर्ट दें दी है;

और केन्द्रीय सरकार का, पूर्वांश रिपोर्ट पर विचार करने के पश्चात और मध्य प्रदेश सरकार में परामर्श करने के पश्चात वह समाधान हो गया है कि इसमें संनग अनुसूची में वर्णित 5594, 92 प्रकृति (लाभाग) या 2264.234 ट्रैक्टर (लगभग) मार्ग वाली भूमि में भारत अधिकार अंजित किए जाने चाहिए।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 को उपधारा (i) द्वारा प्रदत्त शर्वितयों का प्रयोग करने हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 5594, 92 प्रकृति (लाभाग) या 2264.234 ट्रैक्टर (लगभग) मार्ग वाली भूमि में खनन अधिकार अंजित किए जाने चाहिए।

इस अधिसूचना के अन्तर्गत आने वाले शेव के खंडांक पार्श ई. सी. एल. /वी. प्रम. पी. /वी. एम. (पी. एल. पी.) /वैड/ 123, तारीख 12 जुलाई, 1993 का निरीक्षण कल्पना, शहडोल/मार्गुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउसिल हाउस स्ट्रीट कलकता-700001 के कार्यालय में या साउथ ईस्टर्न कॉल फोल्डर्स निमिटेड (राजस्व अनुभाग) सीपत मार्ग, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

अनुसूची

कपिलधारा और हल्दीबाड़ी ज़िला

हसदेव शेव

ज़िला गहडोल और सरगजा (मध्य प्रदेश)

ज़िला "क"

खनन अधिकार

क्रम सं.	ग्राम/मौजा	बंदोवस्त मंड्यांक	तहसील	ज़िला	शेव (ट्रैक्टर में)	टिप्पणियाँ
1	2	3	4	5	6	7
1.	दलदल	428	कोतमा	शहडोल	539, 586	भाग
2.	परमापानी	586	कोतमा	शहडोल	174, 727	भाग
3.	नकटोला	516	कोतमा	शहडोल	38, 193	भाग

1	2	3	4	5	6	7
4.	झोला	394	कोतमा	शहडोल	73.861	भाग
5.	बोरीडाण्डा	148	मनेन्द्रगढ़	मरगुजा	491.947	भाग
6.	चनवारी	47	मनेल्हगढ़	मरगुजा	93.767	भाग
7.	चौधडा	57	मनेन्द्रगढ़	मरगुजा	192.543	भाग
8.	हल्दीवाड़ी	आरक्षित	मनेल्हगढ़	मरगुजा	650.708	भाग
	आरक्षित बन	बन				

कुल धोद 2255.331 हेक्टर (लगभग)
या 5572.92 एकड़ (लगभग)

ग्राम इलदल (भाग) में अर्जित किए खसरा/प्लाट संख्यांक

1, 2, 3 (भाग), 5 (भाग), 7 (भाग), 228, 244 (भाग), और 245 (ये नीन प्लाट नदलाल पटेंग आरक्षित के बन कम्पार्टमेंट संख्यांक 234, 235 और 236 (भाग) के अन्तर्गत आते हैं)।

ग्राम पूर्वापानी (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

75 और 76 (नदलाल पटेंग आरक्षित बन के बन कम्पार्टमेंट संख्यांक 236 (भाग) के अन्तर्गत आते हैं)

ग्राम नकटीटोला (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

89 में 113 तक

ग्राम झोला (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

207 (भाग), 208 (भाग), 209 (भाग), 214 (भाग), 221 (भाग), 222 (भाग), 223, 224, 225 (भाग), 232 (भाग), 233 (भाग), 235 (भाग), 236 (भाग), 237 से 259, 260 (भाग), 261 से 313, 329 से 401, 406 (भाग), 754 से 764, 765 (भाग), 766 (भाग), 767 (भाग), 768, 769, 774 (भाग), 804 (भाग), 805 (भाग), 806 (भाग), 807, 808 (भाग), 811 (भाग), 769/1366 (भाग)।

ग्राम बोरी डाण्ड (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

1 से 202 तक, 3/203, 3/204, 187/205, 59/206, 176/207, 176/208 और 172/209।

ग्राम चनवारी (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

1 से 493 तक, 422/494, 205/495, 273/496, 422/497, 182/498, 53/499, 201/500, 201/501, 336/502, 306/503, 306/504।

ग्राम चौधडा (भाग) में अर्जित किए गए खसरा/प्लाट संख्यांक

1 से 71 तक, 32/167, 40/168।

हल्दीबाड़ी आरक्षित बन (भाग) में अर्जित किए गए कम्पार्टमेंट संख्यांक

552, 553 (भाग), 554 (भाग) और 555 (भाग)

सीमा वर्णन :

क—ख—ग

रेखा, मिंगडी, विजूरी और वल दल ग्रामों के द्विसंगम स्थान पर “क” बिन्दु से आरंभ होती है और ग्राम दत्तदल की उत्तरी सीमा के साथ-साथ जाती है और शहडोल तथा मरगुजा जिलों की मम्मिलित सीमा पर बिन्दु “ग” पर मिलती है।

ग—ग 1

रेखा, भागत: शहडोल और मरगुजा जिलों की मम्मिलित जिला सीमा के साथ साथ जाती है और उसी मम्मिलित जिला सीमा पर बिन्दु “ग 1” पर मिलती है।

ग 1—घ

रेखा, बोरीडाण्ड और चौधडा ग्रामों की उत्तरी सीमा के साथ-साथ जाती है और ग्राम चौधडा की उत्तरी सीमा पर बिन्दु “घ” पर मिलती है।

घ—

रेखा, रेल लाहन की पश्चिमी सीमा के साथ-साथ जाती है और चौधडा, मनेन्द्रगढ़ तथा चनवारी ग्रामों की द्विसंगम पर बिन्दु “ङ” पर मिलती है।

ङ—ङ 1—ङ 2—च—छ

रेखा, ग्राम चनवारी की पूर्वी सीमा के साथ-साथ जाती है और ग्राम चनवारी की उत्तरी सीमा पर बिन्दु “छ” पर मिलती है।

छ-ज रेखा, भागत: ग्राम बनवारी की दक्षिणी सीमा के साथ-साथ जाती है और बनवारी तथा हल्दीबाड़ी आरक्षित बन के सम्मिलित संगम स्थान पर बिन्दु "ज" पर मिलती है।

ज-ज १ रेखा, हल्दीबाड़ी आरक्षित बन को भागत: दक्षिणी सीमा के साथ-साथ जाती है और उसी सीमा पर बिन्दु "जा" पर मिलती है।

ज १-ज २-ज ३-झ-झ १ रेखा, कम्पार्टमेंट संख्या "क" ५५५, ५५३, ५५४, ५५३ से होकर जाती है और सरगुजा तथा शहडोल जिलों की सम्मिलित जिला सीमा पर बिन्दु "झ-१" पर मिलती है।

झ १-त रेखा, भागत: सरगुजा और शहडोल जिलों की सम्मिलित जिला सीमा के साथ-साथ जाती है और उसी सम्मिलित जिला सीमा पर बिन्दु "त" पर मिलती है।

थ-ट-ठ-ड-ड १ रेखा, ग्राम डोला में खसरा/प्लाट संख्यांक ४०६ से होकर जाती है उसके बाद खसरा/प्लाट संख्यांक ३९७, ३९८, ४००, ४०१, ३४६, ३४५ की दक्षिणी सीमाओं से खसरा संख्यांक ३३०, ३२९, ३०९, ३१०, ३११, ३१२, ३१३, ७५४, ७५५, ७५६ की पूर्वी सीमाओं में, खसरा संख्यांक ८०८, ८११, ८०६, ८०५, ७६५, ८०४, ७६६, ७७४, १३६६, २३५, २३३, २३२, २२५, २२२, २२१, २१४, २६०, २०९, २०८, २०७ से होकर जाती है और डोला तथा नकटो-टोला ग्रामों को सम्मिलित सीमा पर बिन्दु "ड१" पर मिलती है।

ट १-ट रेखा, भौजा नकटो-टोला के प्लाट संख्यांक ८९ की पश्चिमी सीमा के साथ-साथ जाती है और नकटो-टोला तथा परसापानी ग्रामों की सम्मिलित ग्राम सीमा पर बिन्दु "ट" पर मिलती है।

ट-ड १ रेखा, भागत: नकटो-टोला और परसापानी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और उसी सम्मिलित सीमा पर बिन्दु "ट१" पर मिलती है।

ड १-ण रेखा, ग्राम परसापानी के खसरा/प्लाट संख्यांक ७५ की पश्चिमी सीमा के साथ-साथ जाती है और परसापानी तथा दलदल ग्रामों की सम्मिलित सीमा पर बिन्दु "ण" पर मिलती है।

ण-त-थ रेखा, ग्राम दलदल से जाती है और प्लाट संख्यांक २४४, २२८, २४४ की पश्चिमी सीमाओं के साथ-साथ ग्राम जाती है और भागत: प्लाट संख्यांक २४४ की उत्तरी सीमा से, उसके बाद प्लाट संख्यांक २४४ से होकर जाती है और बिन्दु "थ" पर मिलती है।

थ-द रेखा ग्राम दलदल से जाती है, प्लाट संख्यांक २४४, ७, ३, ७, ५, ७ से होकर जाती है और बिन्दु "द" पर मिलती है।

थ-क रेखा, दलदल और बिजुरी ग्रामों की सम्मिलित सीमा के माथ-माथ जाती है और आराधक बिन्दु "क" पर मिलती है।

ग्रन्ति सूची:

डोला ब्लाक

हसदेव क्षेत्र

जिला-शहडोल (मध्य प्रदेश)

ब्लाक "ख"

खनन अधिकार

क्रम सं.	ग्राम/भौजा	बन्दोबस्त संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी यां
१. डोला		३९१	कोतपा	शहडोल	८. ९०३	भाग
				कुल क्षेत्र	८. ९०३ हेक्टर (लगभग) २२. ०० एकड़ (लगभग)	

ग्राम डोला (भाग) में अंगित किए गए खसरा/प्लाट संख्यांक

१ (भाग) बन कम्पार्टमेंट संख्यांक २४५ के अन्तर्गत आता है।

च-छ-ज-झ

रेखा, विन्दु "च" मे आरंभ होती है और ग्राम छोला के द्वारा संचालित 1 से होकर जाती है और विन्दु "झ" पर मिलती है।

झ-च

रेखा, भागत: होला और रेवंडा ग्रामों की सम्मिलित भीमा के माथ-माथ जाती है और आरंभक विन्दु "च" पर मिलती है।

[सं. 43015/19/90-एल एस डल्लू]

बी.बी.राव. अवर. सचिव

New Delhi, the 28th March, 1994

S.O. 1057—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 70(E) dated the 25th January, 1993, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-section (ii) of the Gazette of India Extraordinary, dated the 25th January, 1993, the Central Government give notice of its intention to acquire the mining rights in the lands measuring 5594.92 acres (approximately) or 2264.234 hectares (approximately) in the locality specified in the Schedule appended to that notification:

And whereas the Competent Authority, in pursuance of section 8 of the said Act, he made his report to the Central Government;

And whereas the Central Government, after considering the report afore said and after consulting the Government of Madhya Pradesh, in satisfied that the mining rights in the lands measuring 5574.92 acres (approximately) of 2264.234 hectares (approximately) described in the Schedule appended hereto should be acquired

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the mining rights in the lands measuring 5594.92 acres (approximately) or 2264.234 hectares (approximately) described in the said Schedule are hereby acquired.

The plan bearing No) SECL/BSP/G (PIG)/Land/123 dated the 12th July, 1993 of the area covered by this notification may be inspected in the office of the Collector, Shahdol/Surguja (Madhya Pradesh) or in the office of the Coal Controller 1, Council House Street, Clacutta-700000 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

SCHEDULE
KAPILDHARA AND HALDIBARI BLOCKS
HASDEO AREA
DISTRICT : SHAHDOL AND SURGUJA
(MADHYA PRADESH)

BLOCK 'A'**MINING RIGHTS**

Sl. No.	Village/Mouza	Settlement Number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Daldal	428	Kotma	Shahdol	539.586	Part
2.	Parsapani	586	Kotma	Shahdol	174.727	Part
3.	Naktitola	516	Kotma	Shahdol	38.193	Part
4.	Dola	394	Kotma	Shahdol	73.861	Part
5.	Bourid	148	Manendragarh	Surguja	491.946	Part
6.	Chanwari	47	Manendragarh	Surguja	93.767	Part
7.	Choughara	57	Manendragarh	Surguja	192.543	Part
8.	Haldibari Reserved Forest	Reserved Forest	Manendragarh	Surguja	650.08	Part

Total Area : 2255.331 hectares
 (approximately)
 or
 5572.92 acres
 (approximately)

Khasra/Plot number acquired in village Daldal (Part) :

1, 2, 3 (Part), 5 (Part), 7 (Part),

228, 244 (Part) and 245 (these three plots are covered by Forest Compartment numbers 234, 235 and 236 (Part) of Nandlal Patera Reserved Forest).

Khasra/Plot numbers acquired in village Parsapani (Part):

75 and 76 (covered by Forest Compartment number 236 (Part) of Nandlal Patera Reserved Forest).

Khasra /Plot numbers acquired in village Naktitola (Part):

89 to 113.

Khasra/Plot numbers acquired in village Dola (Part):

207 (Part), 208 (Part), 209 (Part), 214 (Part), 221 (Part), 222 (Part), 223, 224, 225 (Part), 232 (Part), 233 (Part), 234 (Part), 236 (Part), 237 to 259, 260 (Part), 261 to 313, 329 to 401, 406 (Part), 754 to 764, 765 (Part), 766 (Part), 767 (Part), 768, 769, 774 (Part), 804 (Part), 805 (Part), 806 (Part), 807 808 (Part), 811 (Part), 769/1366 (Part).

Khasra/Plot numbers acquired in village Bouridand (Part):

1 to 202, 3/203, 3/204, 187/205, 59/206, 176/207, 176/208, and 172/209.

Khasra /Plot numbers acquired in village Chanwari (Part):

1 to 493, 422/494, 205/495, 273/496, 422/497, 182/498, 53/499, 201/500, 201/501, 336/502, 306/503, 306/504.

Khasra/Plot numbers acquired in village Choughara (Part) :

1 to 71, 32/167, 40/168.

Compartment numbers acquired in Haldibari Reserved Forest (Part):

552, 553 (Part), 554 (Part), and 555 (Part).

Boundary description :

A-B-C Line starts from point 'A' on the trijunction point of Villages Sigudi, Bijuri and Daldal and passes along the northern boundary of village Daldal and meets on the common boundary of the districts Shahdol and Surguja at point 'C'.

C-C1 Line passes partly along the common district boundary of districts Shahdol and Surguja and meets at the same common district boundary at point 'C1'.

C1-D Line passes along the northern boundary of villages Bouridand and Choughara and meets on the same northern boundary of village Choughara at point 'D'.

D-E Line passes along the western boundary of Railway Line and meets on the trijunction of villages Choughara Manendragarh and Chanwari at point 'E'.

E-E1 Line passes along the eastern boundary of village Chanwari and meets on the same boundary of village **E2-F-G** Chanwari at point 'G'.

G-H Line passes partly along the southern boundary of village Chanwari and meets at the common junction point of village Chanwari and Haldibari Resesved Fo est at point 'H'.

H-H1 Line passes along the part southern boundary of haldibari Resesved Forest and meets on the same boundary at point 'H1'.

H1-H2 Line passes through compartment numbers 555, 553, 554, 553 and meets at the common district boundary **H3-I-I1** of districts Suruja and Shahdol at point 'I1'.

I1-J Line passes partly along the common district boundary of districts Surguja and Shahdol and meets on the same common district boundary at point 'J'.

J-K-L- Line passes in village Dola through Khasra/Plot numbers 406 then southern boundaries of Khastra/Plot

M-M1 numbers 397, 398, 400, 401, 346, 345, eastern boundaries of Khasra numbers 330, 329, 309, 310, 311, 312, 313, 754, 755, 756, through Khasra numbers 808, 811, 806, 805, 765, 804, 766, 774, 1366, 235 233, 232, 225, 222, 221, 214, 260, 209, 208, 207 and meets on the common boundary of villages Dola and Naktitola at point 'M1'.

M1-N Line passes along the western boundary of plot number 89 of Mouza Naktitola and meets on the common village boundary of villages Naktitola and Parsapani at point 'N'.

N-N1 Line passes partly along the common village boundary of villages Naktitola and Parsapani and meets on the same common boundary at point 'N1'.

N1-O Line passes along the western boundary of Khasra/plot number 75 of village Parsapani and meets on the common boundary of village Parsapani and Daldal at point 'O'.

O—P—Q Line passes in village Daldal and proceeds along the western boundaries of plot numbers 244, 228, 244 and partly northern boundary of plot number 244, then through plot number 244 and meets at point 'Q'.

Q—R Line passes in village Daidai proceeds through plot numbers 244, 7, 3, 7, 5, 7 and meets at point 'R'.

R—A Line passes along the common boundary of villages Daidai and Bijuri and meets at the starting point 'A'

SCHEDULE
DOLA BLOCK
HASDEO AREA
DISTRICT-SHAHDOL (MADHYA PRADESH)

Block—'B'

MINING RIGHTS

Sl. No.	Village/Mouza	Settlement Number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1	Dola	394	Kotma	Shahdol	8.903	Part
				Total area :	8.903	hectares (approximately)
					01	
					22.00	acres (approximately)

Khasra/Plot number acquired in village Dola (Part):

1 (Part) (covered by Forest Compartment number 245).

Boundary description :

F—G—H—I Line starts from point 'F' and passes through khasra number 1 of village Dola and meets at point 'I'.

I—F Line passes partly along the common boundary of village Dola and Rewnde and meets at the starting point 'F'.

[No. 43015/19/90-LSW]

B.B. RAO, Under Secy.

नई दिल्ली, 28 मार्च, 1994

का.आ. 1058 —केन्द्रीय सरकार को यह प्रतीत होता है कि इस उपादव्य अनुसूची में उल्लिखित भूमि में कायला अभिप्राप्त किए जाने की संभावना है,

प्रतः, अब, केन्द्रीय सरकार, कायला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20 को) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) धारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने के आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले खेत्र स. सी-1(ई)/III/514-8452 तारीख 9 अप्रैल, 1992 का निरीक्षण वेस्टर्न कोल-फील्ड्स लिमिटेड (राजस्व विभाग) कायला एस्टेट मिलिल लाइसेंस, नागपुर-440001 (महाराष्ट्र) कार्यालय में या कलक्टर छिंवाड़ा (मध्य प्रदेश) के कार्यालय में या कायला नियंत्रक, 1, काउनिल हाउस स्ट्रोट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वालों भूमि में हिन्दू भूमि विभिन्न उक्त अधिनियम को धारा 13 की उपधारा (7) में निर्दिष्ट सभी नवां, चार्टे और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, भार साधक अधिकारी/विभागाधारक (राजस्व) वेस्टर्न कोलकोन्ड्स लिं. कायला एस्टेट, सिविल लाइसेंस, नागपुर-440001 को भेजेंगे।

ग्रन्तमूली "ख"

धोडावारी विस्तार ब्लॉक

कनहान थेव

जिला—छिद्रवाडा (मध्य प्रदेश)

ऐस्ट्रोफ. सं. मी-1(ई)/III/प्र.प्रार./5140192

तारीख 9-4-1992

क्रम सं.	ग्राम का नाम	वन का नाम	पटवारी सर्किल सं.	तहसील	जिला	थेव लैक्टर में	टिप्पणियां
1.	मगोनिया	—	6	जुशारदेव	छिद्रवाडा	67, 325	भाग
2.	पुरेनाकोठी देव	—	22	जुशारदेव	छिद्रवाडा	31, 300	भाग

कुल थेव 151, 625 लैक्टर (लगभग)
या 324, 665 एकड़ (लगभग)

सीमा वर्णन :

क-ख : रेखा "ख" बिन्दु से आरंभ होती है और मगोनिया ग्राम से होकर गुजरती है तथा "ख" बिन्दु पर मिलती है।

ख-ग : रेखा मगोनिया ग्राम से होकर गुजरती है, उसके पश्चात् प्रभी पुरेनाकोठी देव से दोनों चलती है तथा "ग" बिन्दु पर मिलती है।

ग-घ-ङ : रेखा ग्राम पुरेना कोठीदेव से दोनों गुजरती है तथा "ङ" बिन्दु पर मिलती है।

ड-च-छ : रेखा ग्राम पुरेनाकोठीदेव की सीमा के साथ-साथ चलती है और "छ" बिन्दु पर मिलती है।

छ-क : रेखा ग्राम मगोनिया की ग्राम सीमा के साथ-साथ चलती है और आरंभिक बिन्दु "क" पर मिलती है।

ग्रन्तमूली "ख"

क्रम सं.	ग्राम का नाम	वन	पटवारी सर्किल सं.	तहसील	जिला	थेव लैक्टर में	टिप्पणियां
1.	पुरेनाकोठीदेव	—	22	जुशारदेव	छिद्रवाडा	8, 890	भाग

कुल थेव 8, 890 लैक्टर (लगभग)

या

19, 990 एकड़ (लगभग)

सीमा वर्णन :

ज-झ : रेखा "झ" बिन्दु से आरंभ होती है और ग्राम पुरेनाकोठीदेव की ग्राम सीमा के साथ-साथ चलती है तथा "झ" बिन्दु पर मिलती है।

झ-श-ट-ज : रेखा ग्राम पुरेनाकोठीदेव से होकर गुजरती है और आरंभिक बिन्दु "ज" पर मिलती है।

ग्रन्तमूली "ख 2"

क्रम सं.	ग्राम का नाम	वन	पटवारी सर्किल सं.	तहसील	जिला	थेव लैक्टर में	टिप्पणियां
1.	पनारा	—	22	जुशारदेव	छिद्रवाडा	56, 910	भाग

कुल थेव 56, 910 लैक्टर (लगभग)

या

140, 625 एकड़ (लगभग)

अन्तर्गत क्षेत्र कुल ख+ख1+ख2 = 151.625 + 8.090 + 56.910 = 216.625 हेक्टर (लगभग)

या 374.665 + 19.990 + 140.625 = 535.280 एकड़ (लगभग)

सीमा वर्णन

ए-इ रेखा "ठ" विन्दु से आरंभ होती है और ग्राम पनारा की ग्राम सीमा के साथ-साथ चलती है तथा "इ" विन्दु पर मिलती है।

ए-ए-ए रेखा ग्राम पनारा से दोकर गुजरती है और "ए" विन्दु पर मिलती है।

ए-ए-य रेखा पनारा ग्राम की ग्राम सीमा के साथ-साथ चलती है और "ए" विन्दु पर मिलती है।

[फा. सं. 43015/10/92-एव एस डब्ल्यू]

बी. बी. राव, अवार सचिव

New Delhi, the 28th March, 1994

S.O. 1058. —Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedules hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)/III/HR/514-0492 dated the 9th April, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Chhindwara (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 within ninety days from the date of publication of this notification.

SCHEDULE 'B'

GHORAWARI EXTENSTION BLOCK

KANHAN AREA

DISTRICT CHHINDWARA (MADHYA PRADESH)

Plan No. C-1(E)/III/HR/514-0492 dated 9-4-1992

Sl. No.	Name of the		Patwari circle number	Tehsil	District	Area in hectares	Remarks	
1	Village	Forest	3	4	5	6	7	8
1.	Sagonia	—	6	Junnardeo	Chhindwara	67.325	Part	
2.	Purena Kothi Deo	—	22	Junnardeo	Chhindwara	84.300	Part	

Total area : 151.625 hectares (approximately)
or
374.665 acres (approximately)

Boundary description :

A—B Line starts from point 'A' and passes through village Sagonia and meets at point 'B'.
B—C Line passes through village Sagonia then proceeds through village Purena Kothideo and meets at point 'C'.

C—D—E Line passes through village Purena Kothideo and meets at point 'E'.
 E—F—G Line passes along the village boundary of village Purena Kothideo and meets at point 'G'
 G—A Line passes along the village boundary of village Sagonia and meets at starting point 'A'.

SCHEDULE 'B1'

Boundary description :

H—I Line starts from point 'H' and passes along the village boundary of village Purena Kothideo and meets at point 'I'.
 I—J—K—H Line passes through village Purena Kothideo and meets at starting point 'H'.

SCHEDULE 'B2'

Sl. No.	Name of the Village	Forest	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7	8
1.	Panara	—	22	Junnardco	Chhindwara	56.910	Part
Total area :						56.910 hectares (approximately) or 140.625 acres (approximately)	

Total area schedule B+B1+B2=

Boundary description :

L—M Line starts from point 'I', passes along the village boundary of village Panara and meets at point 'M'.
 M—N—O Line passes through village Panara and meets at point 'O'.
 O—P—Q—L Line passes along the village boundary of village Panara and meets at starting point 'L'.

[No. 43015/10/92-T.SW]
B.B. RAO Under Secy.

नई दिल्ली, 4 अप्रैल, 1994

का.आ.1059.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः, जब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आण्य की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र रेक्ट्रांक में, सी-1(ई)/III/जे.आर./521-892 तारीख 27 अगस्त, 1992 का निरीक्षण वेस्टर्न कोल फील्ड्स लिमिटेड (गजस्व विभाग) कोयला एस्टेट, सिविल लाइन्स, नागपुर (महाराष्ट्र) के कार्यालय में या कलक्टर यवतमाल (महाराष्ट्र) के कार्यालय में या कोयला नियन्त्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नवांगों, चार्टी और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर, भार-साधक अधिकारी/विभागाध्यक्ष (राजस्व) वेस्टर्न कोलफील्ड्स लिमिटेड, कोयला एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची

मर्की द्वाक

वाणी क्षेत्र

जिला—यवतमाल (महाराष्ट्र)

रेक्ट्रांक, सं सी-1(ई)/III/जे.आर./521-892

तारीख 27, अगस्त, 1992

क्रम सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	मुकुटवन	288	मोरेगांव	यवतमाल	38.00	भाग
2.	खड़की	64	मोरेगांव	यवतमाल	5.00	भाग
3.	कोसारा	61	मोरेगांव	यवतमाल	55.00	भाग
4.	रईकोट	320	मोरेगांव	यवतमाल	533.00	भाग
5.	भेंडाला	320	मोरेगांव	यवतमाल	54.00	भाग
6.	सावली	377	मोरेगांव	यवतमाल	114.78	पूर्ण
7.	पार्डी	204	मोरेगांव	यवतमाल	1041.96	पूर्ण
8.	डोंगरगांव	138	मोरेगांव	यवतमाल	420.00	पूर्ण
9.	पवनार	177	मोरेगांव	यवतमाल	204.00	भाग
10.	अडकोली	4	मोरेगांव	यवतमाल	110.00	भाग
11.	गणेशपुर खुर्द	77	मोरेगांव	यवतमाल	264.55	पूर्ण
12.	पांढरकवडा	198	मोरेगांव	यवतमाल	306.02	पूर्ण
13.	कमलापुर	28	मोरेगांव	यवतमाल	26.12	पूर्ण
14.	श्रद्धावान	8	मोरेगांव	यवतमाल	795.00	भाग
15.	मर्की बुजूर्ग	278	मोरेगांव	यवतमाल	621.34	पूर्ण
16.	मर्की खुर्द	277	मोरेगांव	यवतमाल	164.60	पूर्ण
17.	जामनी	119	मोरेगांव	यवतमाल	215.00	भाग
18.	मूची	290	मोरेगांव	यवतमाल	422.00	भाग
19.	गोकापुर	364	मोरेगांव	यवतमाल	258.00	भाग
20.	यावती	308	मोरेगांव	यवतमाल	376.00	भाग

कुल क्षेत्र 6024.37 हेक्टर (लगभग)

या

14886, 82 एकड़ (लगभग)

सीमा वर्णन :

क-ख : रेखा "क" बिंदु से आरंभ होती है और ग्राम मुकुटवन, रुईकोट, भेंडाला, अर्दवान और यावती में होकर गुजरती है तथा "ख" बिंदु पर मिलती है।

ख-ग : रेखा यावती, शेंडगपुर, मुची और जामनी ग्रामों में होकर गुजरती है तथा "ग" बिंदु पर मिलती है।

ग-घ : रेखा जामनी, अदकोली और पवनार ग्रामों से होकर गुजरती है तथा "घ" बिंदु पर मिलती है।

घ-ङ : रेखा पवनार, डांगरगांव और कोसारा ग्रामों में होकर गुजरती है तथा "ङ" बिंदु पर मिलती है।

ङ-क : रेखा कोसारा, रुईकोट, खड़को और मुकुटवन ग्रामों में होकर गुजरती है तथा आरंभिक बिंदु "क" पर मिलती है।

[फा. सं. 43015/15/92-एल.ए.स.डब्ल्यू]

बी. बी. शर्व, अवर सचिव

New Delhi, the 4th April, 1994

S.O. 1059.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1(E)III/JJR/521-892, dated the 27th August, 1992 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001, (Maharashtra) or in the office of the Collector, Yevatmal (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur 443001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE
MARKI BLOCK
WANI AREA

DISTRICT—YEVATMAL (MAHARASHTRA)

PLAN NO. C-1 (E)III/JJR/521-892 DATED THE 27TH AUGUST, 1992

Sl. No.	Name of village	Village number	Tehsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Mukutban	288	Maregaon	Yevatmal	38.00	Part
2.	Khadki	64	Maregaon	Yevatmal	5.00	Part
3.	Kosara	61	Maregaon	Yevatmal	55.00	Part
4.	Ruikot	320	Maregaon	Yevatmal	533.00	Part
5.	Bhendala	260	Margaon	Yevatmal	54.00	Part
6.	Savli	377	Maregaon	Yavatmal	114.78	Full
7.	Pardi	204	Maregaon	Yavatmal	1041.96	Full
8.	Dongargaon	136	Maregaon	Yevatmal	420.00	Part
9.	Paunar	177	Maregaon	Yevatmal	204.00	Part
10.	Adkoli	4	Maregaon	Yevatmal	110.00	Part
11.	Ganeshpur Khurd	77	Margaon	Yavatmal	264.55	Full
12.	Pandharhvada	198	Margaon	Yavatmal	306.02	Full
13.	Kamlapur	28	Maregaon	Yavatmal	26.12	Full
14.	Ardwan	8	Maregaon	Yavatmal	795.00	Part
15.	Marki Buzurg	278	Maregaon	Yavatmal	621.34	Full
16.	Marki Khurd	277	Margaon	Yavatmal	164.60	Full
17.	Jamni	119	Maregaon	Yavatmal	215.00	Part
18.	Muchi	290	Maregaon	Yavatmal	422.00	Part
19.	Shekapur	364	Maregaon	Yavatmal	258.00	Part
20.	Yavati	308	Maregaon	Yavatmal	376.00	Part
Total Area :					6024.37 hectares (approximately)	
						or
						14886.82 acres (approximately)

Boundary description :

A—B	Line starts from point 'A' and passes through villages Mukutban, I uikot, Bhendala, Ardwan and Yavati and meets at point 'B'.
B—C	Line passes through villages Yavati, Shekapur, Muchi and Jamni and meets at point 'C'.
C—D	Line passes through villages Jamni, Adkoli and Paunar and meets at point 'D'.
D—E	Line passes through villages Pauner, Dongargaon and Kosara and meets at point 'E'.
E—A	Line passes through villages Kosara, Ruikot, Khadki and Mukutban and meets at starting points 'A'.

[No. 43015/15/92-LSW]
B.B. RAO, Under Secy.

श्रादेण

नट्टीश्वरी, 8 प्रैल 1994

का. आ. 1060.—कोयला धारक क्षेत्र (श्रीनंदा और यिकास) अधिनियम 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मन्त्रालय की अधिसूचना सं. का. आ. 1050 तारीख 2 अप्रैल, 1991 के भारत के राज्यपद भाग 2, खंड 3, उपखंड (ii) तारीख 13 अप्रैल, 1991 में प्रकाशित होने पर उक्त अधिसूचना से संबंध अनुमूल्यों में वर्णित भूमि में (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलंगमों से मुक्त होकर आत्यंतिक रूप ने केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि साउथ ईस्टर्न कोलपील्हस लि., बिलासपुर (मध्य प्रदेश) (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है) जो एक सरकारी कंपनी है ऐसे निवंशनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त अधिसूचित करना उचित समझे अनुपालन करने के लिए रजामंद है;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदल शक्तियों का प्रयोग करने हुए यह निवेश देती है कि उक्त भूमि और इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार तारीख 13 अप्रैल, 1991 से केन्द्रीय सरकार में इस प्रकार निहित वरे रहने की बजाय निम्नलिखित निवंशनों और शर्तों के अधीन रहने हुए उक्त कंपनी में निहित हो जाएंगे अर्थात्—

- (1) उक्त कंपनी उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर व्याज नुकानी और जैसी ही मदोंकी बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) उक्त कंपनी द्वारा पार्ट (1) के अधीन केन्द्रीय सरकार को संदेश रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय उक्त कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित

उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विभिन्न कार्यवाहियों जैसे अपील आदि की बाबत उपगत सभी व्यय भी उक्त कंपनी वहन करेगी।

(3) उक्त कंपनी केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदाधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो धतिपूर्ति करेगा।

(4) उक्त कंपनी को केन्द्रीय भरकारी के पूर्व अनुमोदन के बिना उक्त भूमि को किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) उक्त कंपनी ऐसे निवेशों और यात्रों का जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो उक्त भूमि के विशिष्ट लोगों के लिए दिए जाएं या अधिरोपित की जाएं पालन करेगी।

[फा.सं. 43015/1/85-सी. प. एल. एस. डब्ल्यू.]
बी बी राव, अवर सचिव

ORDER

New Delhi, the 8th April, 1994

S.O. 1060.—Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Department of Coal) number S.O. 1050, dated the 2nd April, 1991 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 13th April, 1991 issued under sub-section (1) of section 9 of the Coal Bearing Arcas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the Government Company) a Government company, is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall with effect from 13th April, 1991, instead of continuing to so vest in the Central Government, vest in the said Company, subject to the following terms and conditions, namely:—

(1) the said company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.

(2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central

Government by the said company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the said company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with rights, in or over the said lands, so vesting shall also be borne by the said company;

(3) the said company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government

or its Officials regarding the rights in or over the lands so vesting;

(4) the said company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and

(5) the said company shall abide, by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43015/1/85-CA/LSW]
B. B. RAO, Under Secy.

नई दिल्ली, 11 प्रैंटल, 1994

का. आ. 1061.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपावन अनुसूची में उल्लिखित भूमि में कोयला अधिकार दिए जाने की संभावना है।

अतः अब, केन्द्रीय सरकार, कोयलाधारक क्षेत्र (ग्रन्जन और विकास) अधिनियम, (1957 का 20) की (जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है धारा 4 की उपावारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की मूच्चता देती है।

इस अधिसूचना के अंतर्गत आने वाली धोके के रेखाक संरूपा एस सी एल/एस बी पी/पी एन्ड पी, /एस्टेट/हिंगला/93/01 तारीख 15 दिसंबर, 1993 का निरीक्षण महानदी कोलफील्ड्स लिमिटेड (परियोजना और योजना विभाग) सम्बन्धित 768004 के कार्यालय में या कलक्टर अंगूल (उडीसा) के कार्यालय में या कोयला नियंत्रक 1 काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हिन्दूनद गभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नवशों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के गणपत्र में प्रकाशन की तारीख से नवे दिन के भीतर भार साधक प्रधिकारी/विभागाध्यक्ष (राजस्व) महानदी कानौली/इस लिमिटेड को भेजेंगे।

अनुसूची

हिंगला द्वाक

तालचर कोलफील्ड्स

जिला—अंगूल (उडीसा)

(रेखांक सं. एस.सी.एल./एस.बी.पी./पी.एन्ड पी./एस्टेट/हिंगला/93/01 तारीख 15 दिसंबर, 1993
(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रम सं.	ग्राम	थाना संख्या	तहसील	जिला	क्षेत्र एकड़ में	टिप्पणियां
1	2	3	4	5	6	7
1.	बनबासपुर	255	तालचर	अंगूल	220.00	भाग
2.	गोपाल प्रसाद खामर	256	तालचर	अंगूल	132.05	पूर्ण
3.	पाराबेडा	257	तालचर	अंगूल	128.50	भाग
4.	चितलपुर	258	तालचर	अंगूल	150.00	भाग
5.	कुमुन्डा	259	तालचर	अंगूल	475.00	भाग
6.	भालूगड़िया	260	तालचर	अंगूल	667.89	भाग
7.	कुमुमपाल	262	तालचर	अंगूल	467.89	पूर्ण
8.	गोपाल प्रसाद	263	तालचर	अंगूल	960.00	पूर्ण
9.	असानाबाहाल	264	तालचर	अंगूल	109.76	पूर्ण
10.	मालीबंध	265	तालचर	अंगूल	294.49	पूर्ण
11.	तुहामुडीन	266	तालचर	अंगूल	168.02	पूर्ण
12.	अलंतगड़िया	267	तालचर	अंगूल	155.93	पूर्ण
13.	कालमाछुईन	268	तालचर	अंगूल	1040.28	पूर्ण
14.	बीरबारपुर	290	तालचर	अंगूल	62.00	भाग
15.	खिंगा	291	तालचर	अंगूल	162.04	पूर्ण
16.	बेन्नोपुर	292	तालचर	अंगूल	368.89	पूर्ण
17.	सोलेदा	293	तालचर	अंगूल	450.00	भाग
18.	गोपाल प्रसाद श्रारक्षित बन	—	तालचर	अंगूल	430.00	पूर्ण
19.	नुहामुहीन आरक्षित बन	—	तालचर	अंगूल	672.01	पूर्ण
20.	अम्बापाल	1	अंगूल	अंगूल	624.64	पूर्ण
21.	अम्बापाल जंगल	2	अंगूल	अंगूल	388.40	पूर्ण

1	2	3	4	5	6	7
22. नाटडा		3 अंगूल		अंगूल	1265.00	भाग
23. बेधियानाली		4 अंगूल		अंगूल	331.83	पूर्ण
24. निमा आरक्षित बन		— छेषीपाडा		अंगूल	1509.00	पूर्ण
कुल					11,232.82	एकड़ (लगभग)
						या
					4545.85	हैक्टर (लगभग)
सीमा वर्णन						
क-ख	रेखा ग्राम कुमुडा में "क" बिन्दु से आरंभ होती है और ग्राम कुमुडा चितलपुर, पारबेदा, बनवास पुर, सोलोदा से होकर गुजरती है तथा "ख" बिन्दु पर मिलती है।					
ख-ग-ध	रेखा ग्राम सोलादा, बिरबरपुर में होकर गुजरती है। उसके पश्चात भागत: ग्राम बिरबरपुर और कलमा-छुट्टून की सम्मिलित सीमा के साथ साथ चलती है तथा "ख" बिन्दु पर मिलती है।					
ख-ड-ब-छ-ज	रेखा ग्राम कलमा-छुट्टून, नाटडा, बेधियानाली से होकर गुजरती है। उसके पश्चात भागत: ग्राम बेधियानाली की उत्तरी पूर्वी सीमा के साथ साथ चलती है तथा "ज" बिन्दु पर मिलती है।					
ज-झ-ज-ट-न	रेखा ग्राम बेधियानाली नटडा, अम्बापाल जंगल निमा आरक्षित बन की दक्षिणी सीमा से होकर गुजरती है और "ठ" बिन्दु पर मिलती है।					
ठ-ड-ट-क	रेखा निमा आरक्षित बन की पश्चिमी सीमा के साथ-साथ चलती है और ग्राम भानूगाड़िया कुमुडा ग्राम की पश्चिमी सीमा के साथ साथ चलती है तथा आरक्षित बिन्दु "क" पर मिलती है।					

[सं. 43015/1/94-ए. एम. डब्ल्यू.]

बी.बी. राय, अवर सचिव

New Delhi, the 11th April, 1994

S.O. 106'.—Wheras it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 to 1957) (hereinafter referred to as the said Act, the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. MCL/SBP/P&P/ESTATE/HINGULA/93/01, dated the 15th December, 1993 of the area covered by this notification can be inspected in the office of the Mahanadi Coalfields Limited, Project and Planning Department, Sambalpur-768004 or in the office of the Collector, Angul (Orissa) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-charge/Head of the Department (Revenue) Mahanadi Coalfields Limited, Project and Planning Department, Sambalpur-768004 within ninety days from the date of publication of this notification in the official gazette.

SCHEDULE
HINGULA BLOCK
TALCHER COALFIELD
DISTRICT—ANGUL (ORISSA)

(Plan No. MCL/SBP/P&P/ESTATE/HINGULA/93/01, dated the 15th December, 1993).
 (Showing land notified for prospecting)

Sl. No.	Village	Thana number	Tehsil	District	Area in acres	Remarks
1.	2.	3.	4.	5.	6.	7.
1.	Banabaspur	255	Talcher	Angul	220.00	part
2.	Gopalprasad Kumar	256	Talcher	Angul	132.05	full
3.	Parabeda	257	Talcher	Angul	128.50	part
4.	Chitalpur	258	Talcher	Angul	150.00	part

1	2	3	4	5	6	7
5. Kumunda	259	Talcher	Angul	475.00	part	
6. Bhalugadia	260	Talcher	Angul	667.89	part	
7. Kusumpal	262	Talcher	Angul	467.89	full	
8. Gopalprasad	263	Talcher	Angul	960.00	full	
9. Asanbahal	264	Talcher	Angul	109.76	full	
10. Malibandha	265	Talcher	Angul	294.49	full	
11. Nuhamuhin	266	Talcher	Angul	168.02	full	
12. Anantagadia	267	Talcher	Angul	155.93	full	
13. Kalamachhuin	268	Talcher	Angul	1040.28	part	
14. Birbarpur	290	Talcher	Angul	62.00	part	
15. Khuringa	291	Talcher	Angul	162.04	full	
16. Telipur	292	Talcher	Angul	368.09	full	
17. Soleda	293	Talcher	Angul	450.00	part	
18. Gopalprasad Reserved Forest	—	Talcher	Angul	430.00	full	
19. Nuhamuhin Reserved Forest	—	Talcher	Angul	672.01	full	
20. Ambapal	1	Angul	Angul	624.64	full	
21. Ambapal Jungle	2	Angul	Angul	388.40	full	
22. Natada	3	Angul	Angul	1265.00	part	
23. Bethianali	4	Angul	Angul	331.83	part	
24. Nisa Reserved Forest	—	Chhandipada	Angul	1509.00	full	
Total				11,232.82 acres (approximately)		
				or		
				4,545.85 hectares (approximately)		

Boundary description :

A—B Line starts from point 'A' in village Kumunda and passes through villages Kumunda, Chitalpur, Parabeda, Banabaspur, Soloda and meets at point 'D'.

B—C—D Line passes through villages Solada, Birbarpur, then partly along the common boundary of villages Birbarpur and Kalamachhuin and meets at point 'D'.

D—E—F—G—H. Line passes through villages Kalamachhuin Natada, Bethianali, then partly along the north eastern boundary of village Bethianali and meets at point 'H'.

H—I—J—K—L Line passes along the southern boundary of villages Bethianali, Natada, Ambapal Jungle, Nisa Reserved Forest and meets at point 'L'.

L—M—N—A Line passes along the Western boundary of Nisa Reserved Forest and along the western boundary of Bhalugadia, Kumunda villages and meets at the starting point 'A'.

[No. 43015/1/94-LSW]
B. B. Fao, Under Secy.

नई दिल्ली, 11 अप्रैल, 1994

का. शा. 1062: —केन्द्रीय सरकार को यह प्रीत होता है कि इसमें उत्तरवाह ग्रन्तमुनी में उन्निविन भूमि में कोरका अभिप्राप्त किए जाने की संभावना है।

अतः अब केन्द्रीय सरकार, कोयना धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) को जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है धारा 4 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयने का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एम.टी.सी.एन./बी.एम.पी./जी.एम. (वी.आई.जी.)/भूमि/128 तारीख 22 नवम्बर 1993 का निर्देशन कलकटर बिलासपुर मध्य प्रदेश के कार्यालय में या कोयना नियंत्रक, 1, काउन्सिल हाउस स्ट्रीट कलकत्ता 700001 के कार्यालय में या साउथ ईस्टर्न बोल्डफाइल्ड निमिटेड (राजस्व विभाग सीपलरोड, बिलासपुर 700001) मध्य प्रदेश के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितवड़ सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नस्तों, पाटों और अन्य दस्तावेजों को इस अधिसूचना के राजस्व में प्रकाशन की तारीख से नव्वे दिन के भीतर भाग-साधक/अधिकारी विभागाध्यक्ष (राजस्व) माउथ ईस्टर्न कोलफील्ड्स लिमिटेड सीपतरोड विलासपुर-195001 (मध्यप्रदेश) वाले भेजेंगे।

अनुसूची
राजगमार दमरा उत्तरी विस्तार ब्लॉक
कोरबा कोयला छेत्र
जिला-विलासपुर (मध्य प्रदेश)

(रेखांक सं. एम. सीएल./बी एस पी/जी पम/पी एण्ड जी भूमि 128 तारीख, 22 नवम्बर, 1993

(पूर्वोक्त के लिए अधिसूचित भूमि दर्शने हए)

क्रम सं.	ग्राम	पटवारी हॉल्का सं. नहसील रेंज	जिला	छेत्र हैक्टर में	टिप्पणियां
1.	बेला (ग्रामेभित)	8 कोरबा	विलासपुर	2100.006	संपूर्ण
2.	केसला	7 कोरबा	विलासपुर	24.281	भाग
3.	आरक्षित वन कम्पार्टमेंट सं. 585	— रेंज कोरबा	कोरबा वन प्रभाग	71.435	भाग
4.	आरक्षित वन कम्पार्टमेंट सं. 595	— रेंज कोरबा	कोरबा वन प्रभाग	22.236	भाग

कुल
2218.012 हैक्टर (लगभग)
या
5480.70 एकड़ (लगभग)

सीमा वर्णन

क-ख	रेखा बेला घोनडरो केमला ग्रामों के विषय विन्दु पर "क" विन्दु में आरंभ होती है और ग्राम बेला डानडरों बेला-सरापाली की सम्मिलित सीमा के साथ-साथ चलती है तथा "ख" विन्दु पर मिलती है।
ख-ग	रेखा ग्राम बेला और आरक्षित वन कम्पार्टमेंट बन कम्पार्टमेंट संख्या 631 की सम्मिलित सीमा के साथ-साथ चलती है। उसके पश्चात आरक्षित वन कम्पार्टमेंट संख्या 595 से होकर गुजरती है तथा "ग" विन्दु पर मिलती है।
ग-घ	रेखा वन कम्पार्टमेंट सं. 585 से होकर गुजरती है। उसके बाद ग्राम बेला और आरक्षित वन कम्पार्टमेंट सं. 585 बेला और बतरापाली की सम्मिलित सीमा के साथ-साथ चलती है और "घ" विन्दु पर मिलती है।
घ-क	रेखा ग्राम बेला और गोरमा, बेला और केमला की सम्मिलित सीमा के साथ-साथ चलती है। उसके पश्चात ग्राम केमला से होकर गुजरती है और आरंभिक चिन्दु "क" पर मिलती है।

[सं. 43015/20/93-एलास इक्ष्य]
बी.बी. राव, अवृत्त सचिव

Now Delhi, the 11th April, 1994

S.O. '062.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/GM(PIG)/Land/128 dated the 22nd November, 1993, of the area covered by this notification can be inspected in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495001 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

RAJGAMAR 2nd NORTH EXTENSION BLOCK

KORBA COALFIELDS

DISTRICT—BILASPUR (MADHYA PRADESH)

(Plan No. SECL/BSP/GM/PIG)/Land/128, dated 22nd November, 1993)

(Showing land notified for prospecting)

Sl. No.	Village	Patwari Halka number	Tahsil	Range	District	Area in hectares	Remarks
1	2	3	4	5	6	7	
1.	Bela (unsurveyed)	8	Korba	Bilaspur	2100.060	Full	
2.	Kosla	7	Korba	Bilaspur	24.281	Part	
3.	Reserved forest compartment number 585	—	Range	Korba forest division	71.435	Part	
4.	Reserved forest compartment number 595	—	Korba	Korba	22.236	Part	
		—	Range	Korba forest division			
		—	Korba	Korba			
Total :						2218.012 hectares (approximately)	
or						5480.70 acres (approximately)	

Boundary description :

A—B Line starts from point 'A' on the trijunction point of villages Bela, Dondro, Kosla and passes along the common boundaries of villages Bela-Dondro, Bela-Saraipali and meets at point 'B'.

B—C Line passes along the common boundary of village Bela and Reserved forest compartment number 631, then through Reserved forest compartment number 595 and meets at point 'C'.

C—D Line passes through forest compartment number 585 then along the common boundaries of village Bela and Reserved forest compartment number 585, Bela and Patrapali and meets at point 'D'.

D—A Line passes along the common boundaries of village Bela and Gorma, Bela and Kesla, then through village Kesla and meets at the starting point 'A'.

नई दिल्ली, 11, अप्रैल, 1994

का.ग्रा. 1063:— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धारक अंग्रेज (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है, धारा 4 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले अंग्रेज के रेखांक सं. राजस्व /15/93, तारीख 1 सितम्बर, 1993 का निरीक्षण सेंट्रल कोलफील्ड्स लि. (राजस्व अनुभाग) दरभंगा हाउस, रांची के कार्यालय में या उपायुक्त, हजारीबाग (बिहार) के कार्यालय में या उपायुक्त बोकारो (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटीं और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, भारतीय अधिकारी/विभागाध्यक्ष (राजस्व) सेंट्रल कोलफील्ड्स लि., दरभंगा हाउस, रांची को भेजेंगे।

अनुसूची

जागेश्वर और जागेश्वर खास ब्लाक

पश्चिमी बोकारो कोयला क्षेत्र

जिला : हजारीबाग और बोकारो

(रेखांक मं. राजस्व/15/93, तारीख 1-9-93)

(पूर्वोक्त के लिए अधिसूचित भूमि दर्शते हुए)

क्रम संख्यांक	ग्राम	धाना	धाना संख्यांक	जिला	अंग्रेज एकड़ में	क्षेत्र हैक्टर में	टिप्पणियां
1	2	3	4	5	6	7	8
1. जागेश्वर	भोमिया		36	बोकारो	192.00	77.70	भाग
2. लोइयो	मान्डू		162	हजारीबाग	128.00	51.80	भाग
3. बहांवं	मान्डू		163	हजारीबाग	281.60	113.95	भाग
4. भूयाडीह	मान्डू		170	हजारीबाग	256.00	103.60	भाग
5. सिरका	मान्डू		171	हजारीबाग	76.80	31.08	भाग

कुल धेनू : 934.40 एकड़ (लगभग)

या

378.13 हैक्टर (लगभग)

सीमा वर्णन

क-ख

रेखा "क" बिन्दु से आरंभ होती है और ग्राम सिरका से होकर जाती है और "ख" बिन्दु पर मिलती है।

ख-ग-घ

रेखा ग्राम भूयाडीह, बड़गांव और जागेश्वर से होकर जाती है और "घ" बिन्दु पर मिलती है।

ग-घ

रेखा ग्राम जागेश्वर और लोइयो से होकर जाती है जो उक्त अधिनियम की धारा 4 की उपधारा (1) के अंतर्गत अधिसूचना के लिए ग्राहित चौराटेगर-तिलया ब्लाक की निम्नलिखित सीमा बनाती है और "इ" बिन्दु पर मिलती है।

इ-च

रेखा बोकारो नदी के दक्षिणी भाग के माथ ग्राम लोइयो से होकर गुजरती है और "च" बिन्दु पर मिलती है।

च-क

रेखा ग्राम लोइयो और बड़गांव, लोइयो और भूयाडीह तथा लोइयो और सिरका की भागत: गम्मिलिन सीमा के साथ-माथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[मं. 43015/21/93-एन.एस.डल्ट्यू.]

बी.बी. गव, भावर मध्यव

New Delhi, the 11th April, 1994

S.O. 1063.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. Rev/15/93, dated the 1st September, 1993 of the area covered by this notification can be inspected in the office of the Central Coalfields Limited, (Revenue Section), Darbhanga House, Ranchi or in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the office of the Deputy Commissioner, Bokaro (Bihar), or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue) Central Coalfields Limited, Darbhanga House, Ranchi within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

Jageswar and Jageswar Khas Block

West Bokaro Coalfields

Districts : Hazaribagh and Bokaro

(Drawing No. Rev/15/73 dated 1-9-1993)

(Showing lands to be notified for prospecting)

Sl. No.	Village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1	2	3	4	5	6	7	8
1.	Jageswar	Gomia	136	Bokaro	192.00	77.70	Part
2.	Loiyo	Mandu	162	Hazaribagh	28.00	11.80	Part
3.	Badgaon	Mandu	163	Hazaribagh	281.60	113.95	Part
4.	Bhuyadih	Mandu	170	Hazaribagh	256.00	103.60	Part
5.	Sirka	Mandu	171	Hazaribagh	76.80	31.08	Part

Total area : 934.40 acres
(approximately)
or
378.13 hectares
(approximately)

Boundary Description :

A—B Line starts from point 'A' and passes through village Sirka and meets at point 'B'.

B—C—D Line passes through villages Bhuyadih, Badgaon and Jageswar and meets at point 'D'.

D—E Line passes through villages Jageswar and Loiyo (which forms common boundary with Choriterr-Tilaiya Block processed for notification under sub-section (1) of section 4 of the said Act and meets at point 'E'.

E—F Line passes through village Loiyo along the southern part of River Bokaro and meets at point 'F'.

F—A Line passes along the part common boundary of villages Loiyo and Badgaon, Loiyo and Bhuyadih, and Loiyo and Sirka and meets at starting point 'A'.

श्रम मंत्रालय

नई दिल्ली, 7 अप्रैल, 1994

का.आ. 1064.—औद्योगिक विवाद आधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, देना बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 7-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/145/91-आई.आर. (बी-2)]
वी.के. शर्मा, ईस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th April, 1994

S.O. 1064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 7th April, 1994.

[No. L-12012/145/91-(R.B-II)]
V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

बैस्त नं. मी.आई.टी. 47/91

रेफरेंस: भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
क्रमांक 12012/145/II-91/आई.वी. दिनांक

29-8-91

श्री लोकेश कुमार मिश्रा, द्वारा ग्रजस्थान बैंक एम्प्लॉइज यूनियन (आई.वी.ई.ए.) जयपुर। —प्रार्थी
बनाम

महाप्रबन्धक, देना बैंक, वर्मट —प्रार्थी
उपस्थित

माननीय न्यायाधीश श्री शंकर लाल जैन, आर.एन.जे.एम
प्रार्थी की ओर से: श्री एल.एन.भायल
अप्रार्थी की ओर से: श्री यशपाल गर्ग
दिनांक आवर्ष: 29-1-1994

अवाद

पक्षकारान के प्रतिनिधिगण उपस्थित (लोक अदालत) में मामला आज उद्धार गया। पक्षकारान के प्रतिनिधिगण ने लोक अदालत की भावना में प्रेरित होकर मुकदमे में राजीनामा किया। प्रार्थी यूनियन के महासंयोजक एन.एन. भायल ने प्रार्थना पत्र प्रेषित किया कि प्रार्थी कर्मकार विपक्षी बैंक से अपने बैंक पेजे व अदर बैनोफिट्स ब्लेम नहीं करेगा और कर्मकार डिमिसल के अलावा अन्य कोई भी दंड भुगतने के लिये तैयार है, के आधार पर नौकरी में बहाल करने के लिए अनुरोध किया। इस प्रार्थना पत्र की नकल विपक्षी बैंक के बिना प्रतिनिधि श्री यशपाल गर्ग को दी गई जिन्होंने सहमति प्रकट की।

अतः लोक अदालत में राजीनामे के आधार पर इस मामले में अवाद निम्नप्रकार पारित किया जाना है।

1. कि प्रार्थी कर्मकार को विपक्षी बैंक को सेवा में इन शर्तों के साथ बहाल किया जाता है कि श्रमिक विपक्षी

बैंक में अपने बैंक बेजेब व अदर बैनोफिट्स ब्लेम नहीं करेगा।

2. कि विपक्षी बैंक कर्मकार के विस्तृद डिसमिसल के अलावा अन्य कोई भी दंड नियमानुसार देने में सक्षम होगा।

अवाद उपरोक्त प्रकार लिखा जाकर मुनाया गया। अवाद भारत सरकार श्रम मंत्रालय को नियमानुसार प्रकाशनार्थ भेजा जाये।

शंकर लाल जैन, पाठासीन अधिकारी
केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

नई दिल्ली, 7 अप्रैल, 1994

का.आ. 1065.—औद्योगिक विवाद आधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेन्ट्रल बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/323/86-ई-2(ए)/आई.आर.(बी-2)]

वी.के. शर्मा, ईस्क अधिकारी

New Delhi, the 7th April, 1994

S.O. 1065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 7th April, 1994.

[No. L-12012/323/86-D.II.A/IR (B II)]
V. K. SHARMA, Desk Officer

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

I.D. No. 28/87

In the matter of dispute between:

Shri Maheshwar Prasad Thakur,
through the Regional Secretary,
Central Bank Workers Organisation,
13, Laxmi Nagar, Suraj Kund, Meerut,

Versus

The Regional Manager,
Central Bank of India
Regional Office,
195, Delhi Road,
Meerut Cantt.

APPEARANCES:

None--for the workman
Shri D. D. Kapoor--for the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/323/86-D.II(A) dated 20th April, 1987 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of the Central Bank of India, Meerut Cantt, in stopping Shri Maheshwar Prasad Thakur from 13th July, 1985 is justified? If not, to what relief the workman concerned is entitled?"

2. It was alleged in the statement of claim by the workman that he was originally appointed by calling for the names from the Employment Exchange to the post of Peon and he submitted medical fitness certificate before the appointment and the interview. His appointment was made after observing all formalities. His appointment was made at the Ganga in Bihar State. He was then transferred from Bihar to Meerut in Uttar Pradesh. The workman was asked by one Mr. Chobey the Regional Manager to work at his residence and he started staying with him. He was appointed in the Central Bank of India, Meerut Canit, on 30th June, 1983 and worked upto 3rd January 1984 where his work was found satisfactory. No appointment letter was given to him mala fide by the Management. The workman further alleged that no compliance of the Industrial Disputes Act or the rules made thereunder was done and illegal decision was taken by the management by terminating his services by 4th January, 1984.

2. The Management alleged that the workman was engaged only on daily wages at the bank Shingwara Branch. He used to work for one hour a day @ Rs. 8 per day. He worked from June, 1983 to June, 1984 for 125 days, July 1984 to June, 1985 33 days and July 1985 to June, 1986 for 13 days. He was given the work depending upon the exigencies of services and there was no work. His services automatically came to an end. He was never recruited on regular basis and that is why no appointment letter was given to him.

3. The Management in support of its evidence examined Shri B. M. Chawla Regional Manager who filed affidavit L.A. MWI/1 and came into the court to make statement on oath. The workman and his representative had absented and, therefore, the workman was proceeded against ex parte.

4. The statement of Shri B. M. Chawla inspires confidence and there is no reason for him to make false statement on oath. Neither workman has come into the witness box nor any evidence has been produced. From the statement of the management responsible officer I am satisfied that the workman was never appointed in the bank on regular basis so the question of his appointment on regular basis did not arise. Since the workman was not in the employment of the bank so I find no reason to hold that there was any termination of his services the question of reinstatement, therefore, does not arise. Party shall bear their own costs.
February 14, 1994.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 7 अप्रैल, 1994

का.आ. 1066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में केन्द्रीय सरकार, बैंक आॅफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-94 को प्राप्त हुआ था।

[मंज्या एल-12012/540/87-डीके2(प.)/प्राई आर. (वी-2)]

वा.के. शर्मा, ईस्क अधिकारी

New Delhi, the 7th April, 1994

S.O. 1066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 7th April, 1994.

[No. L-12012/540/87-D.I.A/IR(B II)]

V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकारण, जयपुर

केस नं. सी.आर.टी. 17/88

रेफरेंस: केन्द्र सरकार, अम मंत्रालय, नई दिल्ली का आदेश अमाक एल-12012/540/87-डी-II (प.) दिनांक 15-3-88

राजस्थान बैंक एम्पलाईज यूनियन, वर्ताना भवन माधोबाग, जोधपुर।

—प्रार्थी

वनाम

दा बैंक आॅफ महाराष्ट्रा, पावडा, जोधपुर।

—प्रप्रार्थी

उपस्थित

प्रार्थी की ओर से :

श्री जे.एल. शाह

अप्रार्थी की ओर से :

श्री पी.एल. अप्रवाल

दिनांक अवार्ड :

31-1-1994

अवार्ड

केन्द्र सरकार, अम मंत्रालय, नई दिल्ली ने अपनी उन्नेक्त आदेश डारा निम्न विवाद इम न्यायाधिकारण का अधिनियमान्य औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात अधिनियम 1947 मंत्राधित किया है, की धारा 10 (1) (प्र) के अन्तर्गत प्रेपित किया है:

“क्या बैंक आॅफ महाराष्ट्रा के प्रबंधतंत्र को श्री सोमनाथ शर्मा की सेवा समाप्त करने तथा 25 (प्र) औद्योगिक अधिनियम के अन्तर्गत नये कर्मकारों की भर्ती करने समय उसमें आगे रोजगार पर विचार न करने की कार्यवाई न्यायोचित है? यदि नहीं तो कर्मकार किस अनुत्तम का हकदार है?”

2. प्रार्थी यूनियन ने बैंक आॅफ महाराष्ट्र के प्रबंधतंत्र डारा अधिक श्री एम.एम. शर्मा की सेवा समाप्त करने तथा नये कर्मकारों की भर्ती करने समय अधिक के रोजगार पर विचार न करने की कार्यवाही को अवैध एवं अनुचित बताने हुए दावा दिनांक 25-5-88 को न्यायाधिकारण के समक्ष प्रस्तुत किया।

3. विपक्षी की ओर से दावे का विरोध करने हुए प्रत्यक्ष दिनांक 3-8-88 को प्रस्तुत किया गया कि अधिक को अस्थाई रूप से एक माह के लिए 15 अक्टूबर 1986 को नियुक्त किया गया। उसके बाद उसका सेवा काल एक माह के लिए 18-12-86 तक बढ़ाया गया था। तत्पश्चात उसने अवधि समाप्त होने पर उसकी नियुक्ति स्वतः ही समाप्त हो

गई। यह पद अनुसूचित जाति के उम्मीदवार के लिए था इस कारण अमृत लाल परमार को साक्षात्कार के बाद नियुक्ति दे दी गई। इस प्रकार 18-12-86 के बाद कोई भर्ती नहीं की गई है।

4. प्रार्थी यूनियन की ओर से रिजाइन्डर 1-4-89 को प्रस्तुत किया गया कि विपक्षी ने श्रमिक सोमनाथ की सेवा-मुक्ति कर उसका स्थान पर अन्य व्यक्ति की नियुक्ति की है जो अनुसूचित जाति का नहीं है।

5. प्रार्थी यूनियन की ओर से माध्यम से श्री सोमनाथ शर्मा स्वयं श्रमिक को परीक्षित कराया गया है तथा प्रालेखीय समूत में इन्टरव्यू काल लैटर प्रदर्श डब्ल्यू-1 दिनांक 11-10-86 को प्रदर्शित कराया है।

6. विपक्षी की ओर से माध्यम में 18-12-86 को नियुक्त किये गये श्रमिक अमृत लाल परमार डी.डब्ल्यू-1 एवं तन कालीन शाखा प्रबन्धक श्री किशोर बैंश डी.डब्ल्यू-2 को परीक्षित कराया गया है। प्रालेखीय समूत में सोमनाथ शर्मा से संबंधित दोनों आदेश (नियुक्ति पत्र) प्रदर्श एम-1 व एम-2, दिनांक 18-12-86 को अमृत लाल परमार द्वारा प्रस्तुत किये गये प्रार्थना पत्र प्रदर्श एम-3, धोपणा पत्र प्रदर्श एम-4, आवेदन पत्र फार्म प्रदर्श एम-5, रीजनल मैनेजर द्वारा शाखा प्रबन्धक को 11-11-86 को भेजा गया पत्र एम-6 प्रदर्शित कराये हैं।

7. तत्पश्चात मैने पक्षकारों के विद्वान प्रतिनिधियों को बहम विस्तारपूर्वक सुनी। पत्रावली, पत्रावली पर उपलब्ध सामग्री एवं विधि के सुसंगत प्रावधारों का ध्यानपूर्वक परिशीलन किया।

8. प्रार्थी के विद्वान प्रतिनिधि श्री जे.एल. शाह ने न्याय दृष्टान्त डब्ल्यू.एल.एल. 1991 (एस) राजस्थान पेज 444, गणेश सैन बनाम यूनियन बैंक ऑफ इण्डिया व अन्य, 1990 (60) एफ.एल.एल. 267, आर.सी. यादव बनाम आर.एस.आर.टी.सी. व एस.सी.सी. रिट पिटीशन नं. (एस) 532/198 श्रीमति संतोष कुमारी बनाम स्टेट ऑफ पंजाब व अन्य निर्णय दिनांक 2-5-88 पर भरोसा करते हुए यह दलील दी कि श्रमिक सोमनाथ शर्मा को विपक्षी ने साक्षात्कार के बाद नियुक्ति पत्र प्रदर्श एम-1 व एम-2 जारी किये थे उसके बाद विपक्षी ने श्रमिक को हराकर अमृत लाल परमार को उसके स्थान पर नियुक्त किया गया। उक्त पद अनुसूचित जाति के उम्मीदवार के लिए आरक्षित नहीं था। इस प्रकार अप्रार्थी ने औद्योगिक विवाद अधिनियम 1947 की धारा 25-एच की ग्रवहेलना हुई है क्योंकि श्रमिक को हटाने के बाद उसे आगे रोजगार देने हेतु विपक्षी ने विचार नहीं किया है।

8 (क) विपक्षी के विद्वान प्रतिनिधि श्री पी.एल. अग्रवाल ने यह प्रबन्ध दर्ती दी कि श्रमिक सोमनाथ शर्मा को श्रम: एक माह के लिए प्रदर्श एम-1 व एम-2 द्वारा एक निश्चित श्रवण के लिए नियुक्त दी गई थी जो श्रवण समाप्त होने

के बाद उसकी सेवाएं स्वतः ही समाप्त हो गई इसलिए यह भासला छंटनी की तारीख में नहीं आता। उन्होंने यह भी दर्ती दी कि यह पद अनुसूचित जाति के उम्मीदवार के लिए आरक्षित था इस कारण श्रमिक को हटाने से पूर्व अर्थात् 18-12-86 को ही अनुसूचित जाति के सदस्य श्री अमृत लाल परमार को नियमानुसार नियुक्त दी गई एवं ऐसी स्थिति में धारा 25-एच के प्रावधान आकर्षित ही नहीं होते। श्री अग्रवाल ने अपनी दलीलों के समर्थन में 1985 लैब. आई.सी. 1833, सी.एम. जिनेन्ड्र कुमार बनाम मैनेजमेंट ऑफ भारत अर्थ मूवर्स लि. व अन्य, 1992 (1) सी.एल.आर. 356 राजन बनाम केरल विद्युत मण्डल तथा 1992 (65) एफ.आर.एल. पेज 584 कृष्ण मुरारी प्रभाद बनाम इलाहाबाद बैंक एवं भाननीय राजस्थान उच्च न्यायालय का आदेश स्टेट ऑफ राजस्थान बनाम अरुणा माथुर व अन्य निर्णय दिनांक 19-3-86 का आयय लिया। उनकी यह दलील है कि चूंकि श्रमिक को एक निश्चित श्रवण के लिए नियुक्त किया गया था अतः यह भासला अधिनियम 1947 की धारा 2100 (बीबी) के अन्तर्गत आता है और श्रमिक पर धारा 25-एच अधिनियम के प्रावधान लागू नहीं होते हैं। अधिनियम 1947 में 2(00) का निम्न प्रकार मंगोधित किया गया है:

'2(00)(bb) Termination of the services of the workman as a result of the non-renewal of the contract of employment between the employer and the workman under a stipulation in that behalf contained therein.'

न्याय दृष्टान्त एन.एल.एम. पेज 601 (माननीय राजस्थान उच्च न्यायालय) राम प्रभाद व अन्य बनाम स्टेट ऑफ राजस्थान व अन्य में मैक्सन 2(00) बीबी को माननीय राजस्थान उच्च न्यायालय ने अवैधानिक नहीं माना है।

9. उपरोक्त विवेचन एवं तथ्यों एवं विधि के प्रावधारों से स्पष्ट है कि प्रार्थी श्रमिक को एक निश्चित श्रवण के लिए ही नियुक्त किया गया था और उस श्रवण के समाप्त होने ही धारा 2(00) (बीबी) अधिनियम के प्रावधारों के अनुसार स्वतः ही उसकी सेवाएं समाप्त हो गई अतः उसकी सेवा समाप्ति छंटनी की तारीख में नहीं आती है।

10. साध्य के मूल्यांकन एवं उपरोक्त समस्त विवेचन के आधार पर इस निर्देश का अधिनियम निम्न प्रकार किया जाता है:

"बैंक ऑफ महाराष्ट्र के प्रबन्धतंत्र द्वारा श्रमिक सोमनाथ शर्मा को सेवा समाप्त करना एवं 25-एच औद्योगिक अधिनियम के अन्तर्गत नये कर्मकारों की भर्ती करते समय उसके आगे रोजगार पर विचार न करने की कार्यवाही उचित एवं वैध है। श्रमिक किसी राहत व राशि को प्राप्त करने का अधिकारी नहीं है।"

11. श्रवांड की प्रति केन्द्र सरकार को प्रकाशनार्थ औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के अन्तर्गत विज्वाई जावे।

(पंकर लाल जैन)
पीठासीन अधिकारी,
केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

नई दिल्ली, 12 अप्रैल, 1994

का.आ. 1067:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक औफ बड़ौदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में ओद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/120/91-आई.आर. (बी. 2)]
बी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 11th April, 1994.

[No. L-12012/120/91-IR(B-II)]
V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 50/91

रैफैसें: केन्द्र सरकार, थम मंत्रालय, नई दिल्ली का आदेश
क्रमांक एल-12012/120/91 आई.आर. बी.
दिनांक 29-8-91

दी जनरल सेक्रेटरी, दी बैंक औफ बड़ौदा कर्मचारी
यूनियन (राजस्थान स्टेट)

—प्रार्थी

वनाम

दी रीजनल मैनेजर (अजमेर रीजन) बैंक औफ
बड़ौदा, स्टेशन रोड, अजमेर।

—अप्रार्थी

उपस्थित

माननीय न्यायाधीश श्री कन्हैया लाल व्यास, आर.एच.जे.एस.

प्रार्थी की ओर से :

कोई हाजिर नहीं

अप्रार्थी की ओर से :

श्री आर. सी. पापड़ीयाल

दिनांक पंचाट :

31-3-1994

पंचाट

यह निर्देश भारत सरकार द्वारा इस न्यायाधिकरण को
निर्णयार्थ वर्ष 1991 में प्रस्तुत किया गया था। प्रार्थी
यूनियन की ओर से कोई उपस्थित नहीं आया है विपक्षी

की ओर से श्री आर.सी. पापड़ीयाल उपस्थित आये जिन्होंने
एक बाहमी समझौता न्यायाधिकरण के समझ प्रस्तुत किया
जिसका अवलोकन किया गया। यूनियन के प्रतिनिधि कई
पेशियों में हाजिर नहीं हो रहे हैं। ऐसा प्रतीत होता है कि
यूनियन एवं विपक्षी के बीच जो बाहमी समझौता पेश किया
गया है वह सही है इसी कारण यूनियन इस प्रकरण में
स्वन्दि नहीं ले रही है। प्रकरण के तथ्यों और परिस्थितियों
में इस मामले में समझौते के आधार पर “नो डिस्प्लॉट
आइड” परित किया जाता है जो केन्द्र सरकार को प्रकाश-
तार्थ नियमानुसार भेजा जाते।

(कन्हैया लाल व्यास)
न्यायाधीश

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

नई दिल्ली, 12 अप्रैल, 1994

का.आ. 1068:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में ओद्योगिक अधिकरण, जयपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/118/90-आई.आर. (बी. 2)]
बी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 11th April, 1994.

[No. L-12012/118/90-IR(B-II)]
V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 62/90

रैफैसें:—केन्द्र सरकार, थम मंत्रालय, नई दिल्ली का आदेश
क्रमांक एल-12012/118/90 आई.आर. (बी. 2)
दि. 29-8-90

महेन्द्र सिंह पुत्र श्री किशोर मिह, तिवासी
बलाई बस्ती, जयपुर।

—प्रार्थी

वनाम

1. जनरल मैनेजर, पंजाब नेशनल बैंक, मौजो ईनेस, नई
दिल्ली

2. दी मैनेझर, पंजाब नेशनल बैंक, कृष्णा नगर, भरतपुर।
—अप्रार्थीगिरि

उपस्थित

माननीय न्यायाधीश श्री शंकर लाल जैन, आर.एच.जे.एम.	
प्रार्थी की ओर से:	श्री चमनलाल बत्राज
प्रार्थिगण की ओर से:	श्री एम. सी. गुप्ता व श्री एम. सी. नेगी
दिनांक अवार्ड:	15 फरवरी, 1994
	अवार्ड

केन्द्र गरकार, श्रम मंत्रालय, नड़ दिल्ली ने श्रप्तने उपरोक्त ग्राहण के जरिये निम्न छिवाद इस न्यायाधिकरण को वास्ते अधिति, ये आमोंगिक छिवाद अधिनियम 1947, जिसे तत्पश्चात् अधिनियम संबोधित किया है, की धारा 10 (1) (घ) के ग्रन्तर्गत प्रेषित किया है :

"Whether the action of the Regional Manager, Punjab National Bank, Bharatpur in terminating the services of Shri Mahendra Singh, Driver w.e.f. 22-5-88 is justified? If not, to what relief the workman is entitled to?"

3 अप्रार्थी वैक ने क्लेम का जवाब दिनांक 1-4-5-91 को प्रस्तुत कर यह प्रारम्भिक ग्रापनि उठाई है कि प्रार्थी आर वैक के बीच में किसी तरह का मास्टर सरवेन्ट का रिश्ता ही नहीं है। प्रार्थी को कभी अप्रार्थी द्वारा नियक्त नहीं की गई। प्रार्थी महेन्द्र मिह को वैक के रीजनल मैनेजर द्वारा निजी रूप में ड्राईवर के रूप में गाड़ी चलाने लेतु रखा गया था। अब वह वैक द्वारा नियोजित नहीं होते में असिक की परिभासा में नहीं

आता है। जब प्रार्थी व प्रार्थी के बीच नियोजक व मालिक का संबंध ही नहीं है तो श्रीदौषिगिक विवाद नहीं उत्थाया जा सकता। डिप्लीग समझौते दिनांक 19-10-1966 के पैरा 20, 16 के अनुसार बैंक के उच्चधिकारियों को गाड़ी तो प्रोवाइड की जाती है किन्तु उसे चलाने के लिए ड्राईवर उन्हें निजी नींव पर अपनी ही पम्प द्वारा अपनी ही पम्प से आपस में नवण्डा शर्तों पर रखना होता है जिसमें बैंक का कोई संबंध नहीं होता, न ही बैंक द्वारा उसे बेतन आदि का भगतान किया जाता है।

4. गुणावत्तमण पर अप्रार्थी ने दावे का प्रबन्ध विरोध करते हुए अधिकारित किया है कि प्रार्थी महेन्द्र सिंह को कभी भी बैक द्वारा बाहर चालक के रूप में नियुक्त नहीं दी गई और न ही बैक ने उसे कोई वेतन/मजदूरी आदि का भुगतान किया। बैक द्वारा जारी मैनुअल आन जनरल एडमिनिस्ट्रेशन के पैग 6, 3, 7 के अनुसार बैक के जिन अधिकारियों को जीप या कार या अन्य कोई बाहर उपलब्ध कराया जाता है, उस हेतु चालक की व्यवस्था करना उसका व्यक्तिगत मामला है और बाहर चालक बैक का कर्म-चारी नहीं माना जाता। जब प्रार्थी को बैक द्वारा बाहर चालक के पद पर नियुक्त ही नहीं दी गई तो 22-5-89 को सेवा मुक्ति का प्रेषण ही नहीं उठता। वेतन भुगतान का मामला पूर्णतया प्रार्थी व क्षेत्रीय प्रबन्धक का है जिस बावत बैक क्षेत्रीय प्रबन्धक को अधिकतम 950 रुपये कस पुर्तंभरण करता है। अप्रार्थी ने स्थीकार किया कि महेन्द्र सिंह को माल्कात्कार के लिए चपरामी के पद पर नियुक्त हेतु बुलाया गया था किन्तु वो इसके लिए बांछिन योग्यताएं नहीं रखता था। प्रार्थी क्षेत्रीय प्रबन्धक, भरतपुर के निजी चालक थे और और वे ही अपनी ओर से प्रार्थी को वेतन भुगतान करने थे, बैक से उसका कोई संबंध नहीं था यथा धारा 25 एफ, जी व एच अधिनियम के प्रावधारों का उल्लंघन करने का प्रेषण ही पैदा नहीं होता क्योंकि उक्त प्रावधान अधिवा अधिनियम 1947 श्री महेन्द्र सिंह के बैक कमेन्टारी नहीं होते के कारण नागू ही नहीं होता। अन: अप्रार्थी का कथन है कि कलम खारिज किया जावे।

5. मात्र्य में प्रार्थी की ओर से मात्र्य में स्वयं महेन्द्र मिह का गप्पा पत्र पेण हुआ है जिसमें अप्रार्थी के विद्वान प्रतिनिधि ने जिरह की है। विपक्षी की ओर से मात्र्य में श्री ज्ञाननंद डाकिया को पर्याकृत कराया गया है जिसमें प्रार्थी के विद्वान प्रतिनिधि ने प्रति पर्याकृत विषय है। तन्नेच्चात् मैने पक्षकारों के विद्वान प्रतिनिधियों की वहम विस्तारपूर्वक भुनी और पक्षावली पर उपलब्ध मात्र्य व सामर्पी तथा विधि के सुमंगल प्रावधानों का ध्यानपूर्वक परिशीलन किया।

6. दोनों पक्षों की साध्य का मूल्यांकन करने में यह प्रकट होता है कि प्रार्थी महेन्द्र मिह को विपक्षी वैक द्वारा निपुक्त नहीं किया गया था वल्कि वैक के रीजनल मेंजर थी रजनीकान्त चिनालिया ने उसे अपने

निजी वाहन चालक के रूप में रखा था। प्रार्थी महेन्द्रसिंह अपने प्रतिपरीक्षण में यह स्वीकार किया है कि उसे प्रथम बार सेवा लगाने बाबत कोई नियुक्ति पत्र नहीं मिला था। उसने यह भी स्वीकार किया है कि वह पहले श्री बैदरतन की कार चलाता था और बाद में श्री चितालिया की। प्रति परीक्षण में उसने कहा है कि और बैंक कर्मचारियों की भाँति उसे छुटियां नहीं मिलती थीं। प्रति परीक्षण में उसकी यह भी स्वीकारोंका है कि उसका बेतन बिल नहीं बनता था और रोकड़ा भुगतान के जरिये उसे बेतन मिलता था। उसने प्रति परीक्षण में यह कथन किया है दिनांक 10-1-87 को वह कार में अपने ही रिस्टेशनों को बिठाकर चांदबाजी अपनी मां को मिलने जा रहा था। प्रार्थी के उद्दत कथनों से यह प्रभागित होता है कि उसे विपक्षी बैंक द्वारा नियुक्ति नहीं दी गई थी बैंकिक बैंक के क्षेत्रीय प्रबन्धक, भरतपुर ने बैंक द्वारा उपलब्ध वाहन को चलाने हेतु महेन्द्र सिंह को निजी तौर पर रखा था।

7. विपक्षी के साक्षी ने अपने मुख्य परीक्षण में यह स्पष्ट कथन किया है कि प्रार्थी महेन्द्र सिंह को बैंक द्वारा वाहन चालक के पद पर कभी भी नियुक्ति नहीं दी गई। बैंक के उच्चाधिकारियों को बैंक की और से वाहन उपलब्ध करायाजात किन्तु उसे चलाने हेतु चालक की व्यवस्था उन्हे व्यक्तिगत रूप से करनी पड़ती है। महेन्द्र सिंह को भी उक्त व्यवस्था हेतु बैंक के क्षेत्रीय प्रबन्धक ने इनोज किया था, उसने कभी बेतन बिल के माध्यम से बेतन प्राप्त नहीं किया। प्रार्थी ने कभी अन्य बैंक कर्मचारियों की भाँति उपस्थिति पंजिका में उपस्थिति नहीं लगाई। अपने प्रति परीक्षण में विपक्षी के साक्षी श्री डाकलिया ने यह प्रमाणित किया है कि जो गाड़ी प्रार्थी चलाता था वह बैंक की ही थी। बैंक के द्विपक्षीय समझौते के अनुमार बैंक के उच्चाधिकारियों को वाहन उपलब्ध कराया जाता है उसके अलाउत्स के रूप में कुछ मुकर्रर गणि अदा की जाती है। किन्तु वाहन चालक को जो भी बेतन अथवा मजदूरी दी जाती है वह उस अधिकारी द्वारा ही दिये जाने का निः। है। उपरोक्त विवेचन की रौशनी में यह प्रमाणित है कि प्रार्थी महेन्द्र सिंह जो वाहन को चलाता था वह बैंक का अवण्य था किन्तु प्रार्थी महेन्द्र सिंह को बैंक द्वारा कभी नियुक्ति नहीं दी गई थी वह क्षेत्रीय प्रबन्धक भरतपुर का व्यक्तिगत ड्राईवर था अतः बैंक एवं प्रार्थी के बीच नियोजक एवं मालिक का कोई संबंध नहीं था। मैं अपने इस निकर्प के सबध में न्यूयर्क वृष्ट दृष्टान्त 1993 सी.एन.आर 216 स्टेन्डर्ड चार्टेंड बैंक बनाम सहायक श्रम आयुक्त (केन्द्रीय) व अन्य तथा न्याय दृष्टान्त ए.आई.आर 1978 (एस सी) 481, एस्प्लायर्स इन रिलेशन दृष्ट पंजाब नेशनल

बैंक बनाम गुलाम दस्तगीर पर भरोसा करता हैं जिस में माननीय उच्चतम न्यायालय ने विधि का यह सिद्धान्त प्रति पादित किया है कि बैंक अधिकारी के द्वारा व्यक्तिगत कैपेसिटी में रखा गया वाहन चालक बैंक द्वारा नियोजित नहीं माना जा सकता। ड्राईवर पर बैंक का कोई कन्ट्रोल हस्तगत मामले में प्रमाणित नहीं हुआ है। गुलाम दस्तगीर वाले दृष्टान्त में माननीय उच्चतम न्यायालय द्वारा केन्द्रीय औद्योगिक न्यायाधिकरण कलकत्ता के उस अवार्ड को रिवर्स कर दिया गया है जिसमें केन्द्रीय औद्योगिक न्यायाधिकरण द्वारा बैंक अधिकारी द्वारा रखे गये ड्राईवर को रीइन्स्टेट किया गया था।

8. तथ्यों और विधि के उपरोक्त समस्त कारणों से इस निर्देश का अधिनियम निम्न प्रकार किया जाता है :

“रीजनल मैनेजर, पंजाब नेशनल बैंक भरतपुर द्वारा श्री महेन्द्र सिंह ड्राईवर की सेवाएं दिनांक 22-5-89 से समाप्त कर देना उचित एवं वैध है। श्रमिक किसी राहत वह राशि को प्राप्त करने का अधिकार नहीं है।”

9. उक्त आशय का अवार्ड पारित किया जाता है जो केन्द्र सरकार को प्रकाशनार्थ अन्तर्गत धारा 17(1) औद्योगिक विवाद अधिनियम 1947 के भेजा जावे।

शक्तर लाल जैन,

न्यायाधीश

केन्द्रीय औद्योगिक न्यायाधिकरण

जयपुर

नई दिल्ली, 12 अप्रैल, 1994

का.आ. 1069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक आप इंडिया के प्रबन्ध तत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[संख्या एल-12012/728/88-डी 2(ए)/आई.आर. (बी-2)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 11th April, 1994.

[No. L-12012/728/88-D.II(A)/IR(B II)]
V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

सं. सी. आई.टी. 50/89

रेफरेन्स : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का ग्रादेश
क्रमांक एल-12012/728/88-डी-2(ए)
28-4-89

राजस्थान सेन्ट्रल बैंक एम्प्लाईज यूनियन, अजमेर
—प्रार्थी

बनाम

सेन्ट्रल बैंक आफ इंडिया, जयपुर

—प्रप्रार्थी

उपस्थित

माननीय न्यायाधीश श्री कन्हैयालाल व्यास, आर.एच.जे.एस.
प्रार्थी की ओर से : श्री के.के. चतुर्वेदी
अप्रार्थी की ओर से : श्री भागचन्द्र जैन
दिनांक अवार्ड : 31-3-1994

अवार्ड

भारत सरकार ने यह निर्देश वर्ष 1989 में ग्रन्तिनिर्णयार्थ इस न्यायालय को प्रेषित किया का। आज यह पत्रावली विपक्षी के जवाब हेतु नियत है। प्रार्थी यूनियन की ओर से श्री के.के. चतुर्वेदी तथा विपक्षी की ओर से श्री भागचन्द्र जैन उपस्थित आये। प्रार्थी संघ के प्रतिनिधि श्री चतुर्वेदी ने एक प्रार्थना पत्र इस आशय का प्रस्तुत किया कि वे इस प्रकरण में आगे कार्यवाही नहीं करना चाहते हैं। अतः मामले के तथ्यों और परिस्थितियों को देखते हुए इस प्रकरण में 'कोई विवाद नहीं' पंचाट पारित किया जाता है जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

कन्हैया लाल व्यास, न्यायाधीश
औद्योगिक न्यायाधिकरण, जयपुर

नई दिल्ली, 12 अप्रैल, 1994

का.आ. 1070.—— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मिन्डीकेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजनों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[संख्या एल-12011/13/88-डी 2(ए)/आई.आर. (बी-2)]
वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 11th April, 1994.

[No. L-12011/13/88-D.II(A)/IR(B-II)]
V. K. SHARMA, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

सं. सी. आई.टी. 73/1988

रेफरेन्स : भारत सरकार, श्रम मंत्रालय, नई दिल्ली का ग्रादेश
क्रमांक एल-12011/13/88-डी-2ए/दिनांक
25-11-1988

राजस्थान बैंक एम्प्लाईज यूनियन, परवाना भवन,
माधोवाग, जोधपुर

—प्रार्थी

बनाम

महाप्रबन्धक, मिन्डीकेट बैंक, सरोजिनी हाउस, 6
भगवानदास रोड, दिल्ली

—प्रप्रार्थी

उपस्थित

माननीय न्यायाधीश श्री शंकर लाल जैन, आर.एच.जे.एस.
प्रार्थी यूनियन की ओर से : श्री जे. ए.ल. शाह
अप्रार्थी की ओर से : कोई हाजिर नहीं
दिनांक अवार्ड : 2-2-1994

अवार्ड

श्री जे.ए.ल. शाह यूनियन की ओर से उपस्थित आये। विपक्षी की ओर से कोई हाजिर नहीं है। बहस मुनी गई, पत्रावली का अवलोकन किया गया। इस मामले में भारत सरकार की ओर से रेफरेन्स दिनांक 18-11-88 को प्राप्त हुआ। यूनियन की ओर से कोई दिनांक 10-4-89 को पेश हुआ किन्तु यूनियन ने दावे के समर्थन में कोई शहादत पेश नहीं की। प्रार्थी यूनियन को गहावत पेश करने के समुचित माने दिये गये किंतु भी प्रार्थी यूनियन ने गहावत पेश नहीं की। अतः शहादत 23-4-92 को बंद की गई। यह प्रकरण विपक्षी की शहादत हेतु नियत किया गया। विपक्षी को भी शहादत पेश करने के कई माहों दिये गये। विपक्षी की शहादत न आने पर उसकी शहादत भी 22-5-93 को बंद की गई। इस मामले में प्रार्थी यूनियन के दावे को विपक्षी ने स्वीकार नहीं किया है। प्रार्थी यूनियन ने दावे के समर्थन में शहादत पेश नहीं की है। प्रार्थी यूनियन अपना दावा प्रभागित करने में सफल नहीं रही है। प्रार्थी यूनियन कोई सहायता प्राप्त करने की अधिकारी नहीं है। इस मामले में कोई विवाद नहीं मानते हुए नो छिस्प्यूट अवार्ड पारित किया जाता है जो नियमानुसार केन्द्र सरकार को प्रकाशनार्थ भेजा जाये।

शंकर लाल जैन, पीठासीन अधिकारी
केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर।

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1071.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विजया बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार औंदोलिक अधिकरण, बैंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-94 को प्राप्त हुआ था।

[संख्या एल—12012/55/92-आई आर (बी-2)]
बी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, BANGALORE as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of VIJAYA BANK and their workmen, which was received by the Central Government on 12-4-94.

[No. L-12012/55/92-IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORF THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE
Dated this 31st day of March 1994

Present :

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.
Central Reference No. 51/92

I party
The Gen. Secretary,
Vijaya Bank Employees' Federation, 18/22,
Cubbonpet, Main Road,
Bangalore-02.
(By Sri Ganapathi Hedge,
Advocate)

v/s.
II party
The Gen. Manager,
Vijaya Bank, H.O.,
No. 14, M. G. Road,
Trinity Circle,
Bangalore-560 001
(By Sri B. C. Prabhakar,
Advocate)

AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L. 12012/55/92/IR(B-II) Dt. 24-6-92 under Sec. 10(2A)(1)(d) of I. D. Act the point for adjudication as per schedule to reference is :—

"Whether the action on the part of the management of Vijaya Bank in striking off the name of the workman Sh. P. D. Murali, Peon, Chickpet branch from the roll w.e.f. 10-4-91 for alleged absence is justified? If not, to what relief the workman is entitled to?"

2. In the claim statement filed by the I party workman it is contended :—The I party workman was working as peon in the II party's Chickpet branch. He was working honestly ever-since he joined the II party on 3-3-77. The I party fell ill and was bedridden from 11-12-90 to 14-4-91. So he was not able to report for duty or intimate the branch manager about his illness. The I party became fit to resume duties w.e.f. 15-4-91. When he went to report for duty on 15-4-91, with relevant medical and fitness certificates, the branch manager did not allow him to work. The Branch Manager told I party workman that his services have been terminated. The I party

submitted to him that he had not received any communication from the branch to that effect. Even so the branch manager did not allow him to work. The I party workman received letter dated 10-4-91 (Ex. M.6) from the General Manager to the effect that name of the I party has been struck off from the muster roll of the bank w.e.f. 10-4-91.

3. The II party has not issued any notice to the I party before invoking clause 17 of the 5th B.P.S. (Clause 16 of 4th B.P.S.). The I party was available in his residence. The stand of the II party in its letter dt. 10-4-91 to the effect that final notice dt. 11-3-91 was sent to I party and it was returned undelivered with endorsement "absent/not claimed" is not within the knowledge of the I party. The bank has not made any effort to serve the notice on the I party as required under Clause of 17 of 5th B.P.S. The I party was interested in continuing his service in II party and had no intention to abandon his job. The action of the II party in striking off the name of the I party amounts to retrenchment. The II party has not complied with the conditions precedent for retrenchment.

4. The action of the II party striking off the name of the I party workman w.e.f. 10-4-91 has to be set aside. The I party has to be reinstated with backwages and continuity of service.

5. In the counter statement it is contended by the II party that the I party workman is deemed to have voluntarily retired from the service of the bank w.e.f. 10-4-91 owing to his long unauthorised absence. While he was working at Chickpet branch was very irregular in his attendance and he remained absent from duty unauthorisedly from 11-12-90 in contravention of leave rules of the bank and without any intimation to the bank. So a final notice dt. 11-3-91 was sent to I party advising him to report for duty at Chickpet branch within 30 days from the date of issuing the said notice in terms of paragraph XVI of the fourth B.P.S. dt. 17-9-84 as modified by clause 17 of the 5th B.P.S. dt. 10-4-89.

6. As per relevant clause of B.P.S., if an employee remains unauthorisedly absent for more than 90 consecutive days, a final notice has to be issued granting him 30 days time to report for duty. If the employee fails to report for duty within the stipulated period of 30 days mentioned in the notice, the Bank can treat that the employee has voluntarily retired from the services of the bank. In the notice Dt. 11-3-91 it was made clear that in case he fails to report for duty within the period stipulated, it would be deemed that he had voluntarily retired from the service of the bank. The notice sent to the last recorded address of I party was returned undelivered by the postal authorities with the remark "absent-not claimed". However, since the said notice was sent to I party at his last recorded address, acknowledged by the bank, the same is deemed to be good service in terms of sub-clause 4 of the Clause XIV of the 4th B.P.S. dt. 17-9-84. In the instant case I party remained absent from duty unauthorisedly and continuously from 11-12-90 and failed to report for duty within the notice period i.e., 9-4-91 mentioned to note that the St. Manager M.W.1 has stated in his examination about his intention to report for duty during the period from 11-12-90 till the bank invoked the provisions of voluntary cessation of employment against him in terms of the provisions contained in the 5th B.P.S. So the concerned authority of the bank passed an order dt. 10-4-91 holding the I party as having abandoned and relinquished his job with the second party bank under the provisions of voluntary cessation of employment. Accordingly, his name was struck off from the muster roll of the bank w.e.f. 10-4-91.

7. The I party workman must be deemed to have retired voluntarily because of his unauthorised absence. The action of the II party in striking off the name of I party from the rolls is justified. The I party is not a workman since he has relinquished his job. He has no locus standi to invoke the provisions of I.D. Act. The reference is bad. The allegation that I party was ill is false. The II party has invoked the provisions of voluntary cessation of employment has contained in B.P.S. The action of the II party does not amount to retrenchment. The reference has to be rejected.

8. In the order sheet dt. 21-7-93 the parties have been directed to adduce evidence since the schedule to reference itself was an issue. It has been made clear whether the I

party is workman or not would be considered at the time of final arguments.

9. On behalf of the management M.W.I Dr. B. Sanjeeva Shetty, Sr. Manager has been examined. On behalf of the I party he has got himself examined and closed his case.

10. At the time of arguments it was not shown that the I party is not a workman. It was not argued that the reference is bad. So I hold that the I party is a workman and the reference is maintainable.

11. It is argued by the Learned counsel for the II party that I party must be deemed to have voluntarily retired in view of his absence for more than 90 consecutive days and so order of the II party striking off the name of the I party from the muster roll is correct.

12. Admittedly the I party workman was absent without applying for leave from 11-12-90 continuously, for more than 90 consecutive days. The II party, after waiting for more than 90 days issued notice to the I party informing him that he was absent from duty and calling upon the I party to report for duty within 30 days. Ex. M.4 is the registered postal cover sent to I party with postal ack. (Ex. M.5) due. Ex. M.3 is the copy of notice which was sent inside the postal cover Ex. M.4 to I party. M.W.I Sanjeeva Shetty Sr. Manager has stated in his evidence that Ex. M.3 (i.e., Ex. M.4) was not served on the I party. So the II party passed an order Ex. M.6 terminating the services of the I party since he was deemed to have voluntarily retired from service and this order Ex. M.6 has been served on the I party as per postal Ack. Ex. M.7.

13. Clause 16 of the 4th B.P.S. (clause 17 of the 5th B.P.S.) says, in so far as it is relevant for our present purpose, that if a workman of the bank has absented himself for 90 or more consecutive days and has no present intention of joining the duties, the bank should issue a notice to the employee calling upon the employee to report for duty within 30 days of the notice. If the employee does not report for duty within 30 days of the notice, the employee will be deemed to have voluntarily retired from bank's service on the expiry of the said notice.

14. The I party workman has stated in his evidence that he did not receive Ex. M.3 and he had no knowledge of Ex. M.3 being sent by registered post. It is highly significant to note that he Sr. Manager M.W.I has stated in his examination-in-chief that Ex. M.3 was not served on the I party. The endorsement by the postman on the registered postal cover Ex. M.4 in which the copy of notice Ex. M.3 was sent is "not claimed".

15. It is argued by the Learned counsel for the II party that the bank has complied with the requirements of the relevant clause in the B.P.S. by issuing a registered notice to the recorded and last known address of the employee and it is not necessary that the employee should be served with the notice. It is further argued that it is not necessary that employee should receive it.

16. We have been reading and hearing about the postal department's vagaries, delays and unpredictability night and day. It is easy for any management, or for that matter any person to issue a registered notice and stage manage to get it returned with the endorsement "not claimed". The argument of the Learned counsel for the II party bank is pregnant with dangerous possibilities.

17. I reject the argument advanced by the Learned counsel for the II party and hold that the II party has not served or got served a notice calling upon the I party workman to report for duty within 30 days, failing which it would be deemed that I party had retired voluntarily. So the order as per Ex. M.6 passed by the II party that I party has voluntarily retired from service of the bank and that his name stood struck off from the muster roll w.e.f. 10-4-91 is illegal. In view of this conclusion the I party is entitled to reinstatement.

18. There is yet another ground on which the I party has to succeed. Admittedly no departmental enquiry has been held against the I party workman before terminating his service as stated in Ex. M.6. The decision reported in 1993 (II) L.L.J. 696 (D. K. Yadav v/s. J.M.A. Industries Ltd.,) arose out of the award passed by the Labour Court, Haryana,

The workman had wilfully absented himself from duty for more than 8 days without leave or prior permission from the management and therefore he was deemed to have left the service of the company on his own account and lost his lien and the appointment because clause 13(2)(iv) of the standing order says that if a workman remained absent without sanctioned leave he shall lose his lien on his appointment unless he reports to duty within 8 calendar days of the commencement of the absence. In accordance with the standing order, the name of the employee was struck off from the muster rolls. The Labour Court up-held the termination order passed by the management. Ultimately the matter went to Hon'ble Supreme Court.

The Hon'ble Supreme Court after observing in para 13 at page 702 that "the order of termination of service of an employee/workman visits with civil consequences of jeopardising not only his/her livelihood but also career and livelihood of dependents" has laid down. "Therefore, before taking any action putting an end to the tenure of an employee/workman fair play requires that a reasonable opportunity to put forth his case is given and domestic enquiry conducted complying with the principles of natural justice." The Supreme Court was pleased to set aside the termination order and reinstate the employee.

19. In the instant case admittedly no D.E. has been held and the conditions for retrenchment have not been complied with. In view of the latest decision of the Supreme Court the order of termination as per Ex. M.6 has to be set aside and I party reinstated.

20. The Learned counsel for the II party relied on the decision of our Hon'ble High Court in J.L.R. 1983 (3) Karnataka 3128 (Binny Ltd. v/s Presiding Officer). In this authority of our Hon'ble High Court, the point involved in the present reference viz., whether the service is sufficient or not when the endorsement on the registered cover was "not claimed" was not involved.

21. The Learned counsel for the II party relied on the Supreme Court decision reported in 1963 (2) L.L.J. 638 (Buckingham and Caranatic Co. Ltd. v/s. Venkatayya and another). This is a case in which it was held whether or not the Appellant/Company should have accepted the medical certificate produced by the concerned worker was primarily for the company to consider. It is significant to note that the Hon'ble Supreme Court has been pleased to observe that under common law an inference that an employee had abandoned and relinquished service is not easily drawn. This authority of the Supreme Court was rendered while interpreting the provisions of Employees State Insurance Act and Article 226 of the Constitution. It does not apply to the facts of the present reference.

22. I have relied on the latest decision of the Supreme Court rendered by three Judges. This decision is on all fours with the facts of the present case. I am of opinion that the authorities relied on by the Learned counsel for the II party are not applicable.

23. Ex. M.1 is the charge sheet dt 25-9-90 issued to I party workman since I party workman was absent frequently, though not continuously for 240 days. Ex. M.1 contains four charge apart from his absence. The I party has been sensured on charge No. 1 (remaining unauthorisedly absent for 240 days), he has been stopped with one increment temporarily for a period of one year or charge No. 2 viz., remaining absent unauthorisedly and subsequently obtaining sanction which were acts prejudicial to the interest of the bank. Charge No. 3 relates to non-compliance by the I party workman regarding the instructions issued by the official superiors. The I party has been stopped one increment for this charge temporarily for a period of one year. Charge No. 4 relates to I party discounting cheques without maintaining sufficient balance in his S.B. account. For this charge the II party has stopped one increment temporarily for a period of 6 months. In view of the conduct of the I party I am of opinion that this is a fit case in which back wages should not be granted.

24. All other documents and evidence not referred to by me are not relevant. In any case they do not alter my conclusions reached above. In my opinion it is not necessary to consider the medical certificates produced by the I party since I have come to the conclusion that notice as contemp-

lated under Clause 16 of the 4th B.P.S. has not been served on the I party.

ORDER

The order terminating the services of the I party (striking off the name of I party) as per Ex. M.6 is set aside. The II party is directed to reinstate the I party workman forthwith with continuity of service. No back wages. Reference accepted in part as stated herein. Submit to Government.

(Dictated to Stenographer, typed by him corrected, signed by me on this 31st day of March 1994).

M. B. VISWANATH, Presiding Officer,

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1072.—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. टाटा आयरन एंड स्टील कॉ. लिमि. की सिजुआ कोलियरी के प्रवन्धनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-94 को प्राप्त हुआ था।

[संख्या एल-20012/68/89-आई आर (कोल-1)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Sijua Colliery of M/s. TISCO and their workmen, which was received by the Central Government on 8-4-94.

[No. L-20012/68/89-IR(Coal-1)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947.
Reference No. 176 of 1989

PARTIES :

Employers in relation to the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd.

AND
Their Workmen

PRESENT :

Shri B. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate. &
For the Workmen.—Shri S. N. Goswami, Advocate.

STATE : Bihar INDUSTRY : Coal.

Dated, the 22nd March, 1994

AWARD

By Order No. L-20012/68/89-I.R. (Coal-I), dated, the 15th November, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause

(d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sijua Colliery of M/s. Tata Iron & Steel Company Ltd., Bhelatand, Dhanbad, in dismissing Shri Ram Sajwan Jaiswara, Miner from the service of the collieries w.e.f. 17-3-87 is justified ? If not, what relief is the workman entitled to ?"

2. The workman, Ram Sajwan Jaiswara, was dismissed from service with effect from 20-3-1987 by order of the Agent, Sijua Group, dated 17-3-1987 (Ext. M-3), which order was passed on consideration of the material on the record of domestic enquiry, including the report of the Enquiry Officer, which enquiry was held on the following chargesheet issued to the workman through Ext. M-1 :—

"On 23-10-86 at about 4-30 P.M. you came to the office of the Dy. Manager, Sijua Colliery, Sri K. Swaroop and started arguing with him as to why you were sent for refresher training. While arguing you pulled up a chair and sat with your legs on the chair. Thereafter you started abusing Sri K. Swaroop and also threatened to take care of Sri K. Swaroop and stated the following :—

'APP BADMASH HAI. AAP KO MAR DENG.
SALE HAM KO TRAINING ME BHEJNE KA
AAP KO KOI HAK NAHI HAI.'

Thereafter while you were being escorted out the Colliery Premises by Security Personnel you got violent and started hitting and caused injury to the Security Officer Shri M. K. Khan.

The above act on your part amounts to fighting, riotous and indecent behaviour.

You are allowed 72 hours from the date of receipt hereof to give your explanation.

Any representation that you may make in this connection will be taken into consideration before passing orders."

It appears that the workman submitted his explanation denying the charges claiming that injustice was being meted out to him his being a weak and a Scheduled caste labour. According to him he could not have attended training which he was ordered to, since he was in 'A' shift and finished his work at 7 O'Clock. This explanation was not found satisfactory and a domestic enquiry was ordered through Ext. M-5, dated 11-11-86.

3. Upon the aforesaid reference having been made, the workman filed his written statement stating therein that he was a permanent workman of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd. working as Miner since 22-12-80 and was performing his duties without any stigma. The management required him to attend vocational training, while also discharging his official duty. It is stated on 22-10-86 the concerned workman completed his duty at about 6-30—7.00 P.M., i.e. 3 hours late, because of shortage of coal tubs, hence he could not attend the training that day. On this, the Dy. C.M.E. Sri K. Swaroop, by verbal order stopped his attendance from 23-10-86 on which day he had gone to the office of Sri Swaroop requesting him to allow him to resume his duty at which the officer abused him and shouted—"SALLA TUM HAMARA ORDER KO NAHI MANA HAI TUMKO DISMISS KARKE RAHUNGA. TUM SALA CHARMA JATI KA MUJHSE BAKWAS KARTA HAI." As per written statement the Security Officer and Security Guard dragged him out of the office, snatched away Rs. 3000 and assaulted him brutally. It is also averred that the management had lodged F.I.R. against the workman which also resulted in a proceeding under Sec. 107 of Cr. P. C. against him. In an unfair enquiry and without observing the formality of Sec. 25-F of the Industrial Disputes Act, the workman was dismissed from service. A prayer was made to order his reinstatement with full back wages.

4. Here it may be mentioned that the issue of fairness and propriety of the domestic enquiry was gone into by the learned predecessor as a preliminary issue in course of which prayer was made to order his reinstatement with full

the learned Advocate for the workman conceded that the enquiry was held fairly and properly. Hence, by order dated 24-3-92 the learned predecessor also held the same after going through the materials on the record.

5. The management submitted its written statement in which it alleged that on 23-10-86 at about 4-30 P.M. the workman entered into the office of Dy. Manager while the Dy. Manager was conducting official business. The workman questioned him as to why he had been deputed to take refresher training. The workman pulled a chair and sat on it indecently and abused the officer in filthy language and threatened him with dire consequences. The Security Personnel rushed to the office and saved the Manager from assault. The workman also attacked the Security Officer, Sri M. K. Khan. According to the management, the aforesaid two acts against the different officials constituted misconduct. Thereafter a fair enquiry was conducted in which the charges were proved and, accordingly, the workman was dismissed from service. There is parawise denial of the contentions raised in the written statement of the workman. The workman also filed a rejoinder to the written statement of the management.

6. The point for consideration is whether or not on the basis of materials on record the conclusion of the Enquiry Officer that the charges against the concerned workman were proved can be upheld. Secondly, if the materials on the record prove the misconduct on part of the workman as defined under Clause 19(5) of the Standing Orders of the company, whether the punishment of dismissal from service was just and proper.

7. The material on record on which the aforesaid two issues can be decided, is the record of the domestic enquiry.

8. The allegation of misconduct against the workman, as in the chargesheet, is two-fold—one relates to Dy Manager and the other to the Security Officer. So far the allegation of misconduct against the Dy. Manager is concerned, this also is in different parts. First is that the workman started arguing with his officer as to why he was sent to the refresher training; secondly, he pulled a chair and sat upon it with his legs on the chair; thirdly, he started abusing the officer, threatened to take care of him and, fourthly; there is narration of some utterances of the concerned workman, as depicted in the charge-sheet. Now I will consider the evidence on the record, firstly so far as the allegation of misconduct against the Dy. Manager is concerned.

9. This officer is the first to be examined as the management witness. This witness has supported the allegation in all its four parts, as mentioned in the charge. The witness said that the incident took place in presence of Sri N. N. Jha, and A. Bhattacharjee who was standing outside the office. He said that for his safety he called security personnel and the security personnel escorted the workman out of the colliery premises. The record shows that the proceede did not cross-examine this witness.

10. The next witness is A. Bhattacharjee, Personnel Officer. According to this witness, he received a message from the Dy. Manager that the concerned workman was unnecessarily arguing with him at the top of voice, refusing to leave the office. He rushed to the office and found the workman sitting on the chair with his legs on it. He tried to reason with the workman but on refusal of the workman to listen to him, he informed the Security Officer. At that time also the workman was shouting and abusing the Dy. Manager. According to him, the workman said—“SALE HAMKO TRAINING ME BHEJNE KA KAUN HOTE HAI”, and he also threatened the officer with dire consequences. The Security Officer came at about 5 P.M. with Naik and Security Guard and he was escorted out.

11. In cross-examination the concerned workman asked only one question, that whether the witness had assaulted him on that day, which was answered in negative.

12. Though it is not possible to brush aside this witness altogether, particularly due to lack of cross examination, yet absolute reliance cannot be placed upon him. As per evidence of first witness, the concerned workman upon entering into his office had immediately started arguing, sat on the chair and abused him, also saying what has been reproduced in the chargesheet. He also says that A. Bhattacharjee was then standing outside the office. So it will appear, from the evidence of MW-1 that A. Bhattacharjee at that time was not in his office. But A. Bhattacharjee in his evidence says that on his reaching there he had entered into the office and he was inside the office when the workman abused the officer with particular words. Notwithstanding the fact that the words of abuse as given by MW-1 and MW-2 are not exactly the same, it also does not appear to reason that when according to MW-1 the occurrence took place at 4-30 P.M. or immediately after that, whereas MW-2 says that the received message itself at 4.45 P.M. and thereafter he went to the office of the Dy. Manager. In view of these it is apparent that MW-2 could not have heard everything that the concerned workman might have said prior to his coming there, though he could have witnessed some of the heated exchange and he could have been the workman sitting on the chair on his legs up there. It is more clear from the evidence of MW-3, M. K. Khan, the Security Officer who has said in his evidence that he had received the information about the trouble at about 5 P.M. He has said that he was telephoned by both Dy. Manager and by A. Bhattacharjee at about the same time which shows that A. Bhattacharjee had reached in the office of the Dy. Manager only sometime before 5 P.M.

13. MW-3 M. K. Khan could not say as to how the workman had abused the Dy. Manager because he did not remember that, as per his evidence in the cross-examination. Later, he also said that at that time he was not present there. All that he has said is that he had seen the workman sitting inside the office of the Dy. Manager on a chair. According to him, the Dy. Manager told him that the same workmen had abused him.

14. The next witness is N. N. Jha, Welfare Officer (W.O.). According to him, at 4.30 P.M. the workman came to the office of the Dy. Manager where he was sitting and sat on the chair with his legs upon it. The workman started arguing about his training, and threatened the officer with dire consequences. According to him, A. Bhattacharjee came after sometime who told the workman not to behave in indecent manner but the workman continued his argument. At that the Security Officer was called. This witness was not cross-examined. But all that this witness has said, besides threatening by the workman as aforesaid, is that the workman had argued with Dy. Manager and had sat on the chair putting his feet also on it. Unlike MW-1 and MW-2, this witness has not said as to what exactly the workman had said. Mere arguments cannot be treated as misconduct. All that this witness has proved is that the workman had threatened the Dy. Manager with dire consequences and that he had sat on the chair with his feet upon that.

15. This is all the evidence on this point produced by the management.

16. Therefore, it is Mr. K. Swaroop who had lent support to the exact uttering as mentioned in the chargesheet. Mr. A. Bhattacharjee though he did not say the same words as mentioned by Mr. K. Swaroop, but has said some words which he claims were said by the concerned workman. I have already discussed that Mr. A. Bhattacharjee had reached the office after sometime, hence he must not have been in a position to hear everything that was said by the workman. Moreover, K. Swaroop has said that Mr. A. Bhattacharjee was standing outside his office. According to his evidence the Dy. Manager had phoned him that the workman was unnecessarily arguing with him and was shouting at the top of his voice. The agitation of the workman must have related to his being sent on training because of which he was subsequently stopped from working.

17. According to the evidence of A. Bhattacharjee when he entered into the office, he found the workman sitting on the chair with his legs upon it and then he explained him to come to his office if he had any problem. He further said that thereafter Security Officer came to escort him outside the room. He further said that thereafter he was standing outside the office when he heard the workman uttering those words. Therefore, it is clear from his evidence that when those specific words were uttered, which he claims to have heard from outside the office, the Security Officer was already inside the room, meaning thereby that the Security Officer was in a better position to hear those utterings. But as already stated, the Security Officer, M. K. Khan has said

in cross-examination that he was not there when discussion was going between the workman and the official about the training programme. This way also, on this point the evidence of Sri Bhattacherjee cannot be treated to be reliable.

18. The fourth witness had merely said that argument was going on. Therefore, particular utterances which were in the shape of abusive language and constituted serious misconduct can be said to have been supported only by K. Swaroop himself. This was so when most of the witnesses were not even cross-examined and the others were cross-examined only in superficial manner. Therefore, on the point of specific uttering by the workman as mentioned in the chargesheet, it must be held that the same has not been satisfactorily proved.

19. But this much appears to have been reasonably proved that the workman had entered into heated arguments with his officer and had threatened K. Swaroop with dire consequences. On this point evidence of N. N. Jha has lent full support to the charge and the evidence of K. Swroop. There is no doubt that at that time the concerned workman was in an insolent mood because the evidence amply prove that while he went to the office of the officer he had sat on the chair his own and had placed his legs upon it, which a workman would not ordinarily do. Even the workman in his evidence has admitted this much that at about 4:30 P.M. he had gone to the office of K. Swroop and had sat down on the chair which was lying in his front.

20. On this point the only evidence that the workman has produced is of himself. He has narrated how he was not allowed to book his attendance and how he went to the office of K. Swroop and sat on chair. In his evidence the witness has said that he asked the officer to allow him to resume his duty and that when the shift changed, he would attend vocational training course. At that K. Swroop told him not to talk to him and that he would not be allowed to resume duty unless he attended the course. According to his evidence then he questioned the officer as to under what rule he was sent to vocational training without prior intimation, when he was in 'A' shift. At this, according to him, the officer abused him in the language stated earlier.

21. The rest of his evidence relates to the second part of the charge.

22. Even from the evidence of this witness it is clear that he had questioned the propriety of the order of his officer in sending him for training. Therefore, though to a very limited extent but to this extent even the evidence of the workman lends support to the charge of the prosecution.

23. Therefore, though I do not find that the management in the domestic enquiry had proved satisfactorily that the workman had uttered those words as mentioned in the chargesheet, but this much has been proved that the workman had gone into the office of K. Swroop, had sat on the chair with his leg upon it, had entered into heated argument with the officer and had threatened the officer of the consequences.

24. Coming to the second part of the charge, I find the case of the management to be a bit doubtful. The chargesheet states that while he was being escorted out he got violent and started hitting and caused injury to M. K. Khan.

25. The evidence of K. Swroop on this point is that while he was being taking out the workman became very violent and started hitting and caused injury to the Security Officer.

26. A. Bhattacherjee has deposed to say that while being escorted out, he got further violent and started hitting out causing injury to the Security Officer M. K. Khan. Management witness N. N. Jha has said that when M. K. Khan tried to persuade the workman to calm down the workman became very violent because of which Sri Khan got injury.

27. From the evidence of this witness it will appear that at the time of being escorted out the workman had become very violent and had hit M. K. Khan several times. But the evidence of M. K. Khan supports that when the workman abused him and started hitting him he got injury in his thumb. In cross-examination M. K. Khan admitted that he had no document to substantiate that he got injury.

28. If the workman had started hitting the Security Officer who obviously was there with two more of his subordinates, then it is unlikely that he would have received some small injury in small part of his body, i.e. on his thumb. If an

agitated person starts hitting out at anyone it is unlikely that the person so assaulted would receive only one such injury. But it would not have been unnatural if while escorting out the workman, in the scuffle or resistance by the workman, the Security Officer would have received such minor, almost negligible, injury. Such injury does not suggest that the workman had turned "very violent" and had started hitting at the Security Officer. Moreover, the workman was hardly in a position to do damage. It is clear from the evidence of A. Bhattacherjee that the Security Officer had come along-with one Naik and one Security Guard. Against at least three security personnels the workman was hardly in a position to cause damage to someone.

29. The workman in his evidence has submitted that the Security Officer and other people including Dy. Manager had assaulted him and had pushed him out of the office. In that regard he also submitted before the Enquiry Officer a medical certificate which is on the record given by one Dr. S. P. Shaw who appears to have examined the workman on the same day at 6:30 P.M. and found two swellings, one in the left hand and other on the back side of the body and complain of pain in the whole body. During cross-examination this workman said that he had received injuries in his left hand and on his back side. He also said that on 23-10-86 Sijua Dispensary was closed in the evening, hence he had gone there in the next morning. The workman showed his ignorance when suggested that the dispensary was open 24 hours.

30. Be that as it may, the workman has produced medical certificate and has supported his injuries in his evidence.

31. Besides this the evidence of M. K. Khan also suggests that the workman in all probability was not that violent at that time. M. K. Khan has said in his evidence that the workman had went away from the colliery premises on his own and that they did not had to take him away out of the colliery premises.

32. The witness Rabi Sajwan Jaiswara was extensively cross-examined. At page 22 of the proceedings he has given the names of the officers who had assaulted him. He has said that they had started assaulting him inside the office and had pushed him out of the office. Therefore so far the second part of the charge is concerned I do not find it to have been satisfactorily proved that the workman had turned so violent that he had started hitting M. K. Khan thereby giving him injury. One may not doubt the statement of M. K. Khan that he got one small injury on his thumb in the process because under such circumstances this might have been caused by resistance of the workman, though without meaning to assault the Security Officer.

33. Therefore, the aforesaid part of the charge I do not find to have been satisfactorily proved against the workman.

34. As already stated, I find it to have been proved that on the date and at time as alleged in the chargesheet, the workman had entered into the office of K. Swroop in an insolent mood, had entered into heated argument with him and had threatened him with consequences which act covers instance of misconduct as provided under Clause 19(5) of the Standing Orders. Such an act on the part of the workman can be said to be a disorderly and an indecent behaviour. The workman could have moved higher authorities with his grievance instead of entering into arguments with his officer and threatening him with consequences which actions were both disorderly and indecent.

35. Having come to this conclusion, the second point that remains to be considered is as to whether the punishment of dismissal was commensurate to the act of misconduct proved in the domestic enquiry.

36. Had I found that the material on record proved particular abusive utterances as mentioned in the chargesheet alredy at his superior and his hitting and injuring any officer purposely, punishment of dismissal would have been inevitable one. No doubt that the workman appears to have committed misconduct of entering into heated argument with his superior officer and of threatening him, but there is nothing on the record to show that in the past also the workman had committed any type of misconduct whatsoever. It appears that he had given the threatening in the heat of the moment. Therefore, in my opinion, though the workman deserves punishment but he ought to have given one chance to mend himself.

The offence proved to have been committed, in my opinion, calls for a lesser punishment. Even an exemplary punishment in these circumstances will fall short of the punishment of dismissal.

37. The workman has already remained out of his job for a number of years which, in my opinion, is punishment sufficient in view of the misconduct committed by him. In my opinion, if the workman is ordered to be reinstated in the service, but without back wages, that would serve the ends of justice.

38. In the result, the following award is rendered—The action of the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd. in dismissing Shri Ram Sajwan Jaiswara, Miner, from the service of the colliery with effect from 17-3-1987, as a result of aforesaid proved misconduct, was not justified. The management is directed to reinstate the workman to his post within two months of the publication of this award, but without any back wages.

There will be no Order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार, सैन्टन कोलफील्ड्स लिमिटेड की आरा कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-94 को प्राप्त हुआ था।

[संख्या एल-20012/13/88-डी-4(ए)/आई आर (कोल-I)]

वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Ara Colliery of M/s. C.C.L. and their workmen, which was received by the Central Government on 8-4-1994.

[No. L-20012/13/88-D.IV(A)/IR(Coal-I)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947

Reference No. 52 of 1989

PARTIES :

Employers in relation to the management of Ara Colliery of M/s. Central Coal Fields Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 23rd March, 1994

AWARD

By Order No. L-20012/13/88-D.4(A), dated 12-5-1989 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Ara Colliery of M/s. Central Coal Fields Limited in offering the post of Auto Mechanic in Category V and not the post of E.P. Fitter Grade III for which Shri K. K. Sharma had applied and interviewed, as per advertisement published in the Indian Nation (Patna Daily) on 31-7-1978, is justified? And whether the action of the said management in making frequent changes in the designation, categories and grades of Shri Sharma is justified? If not, to what relief is the workman entitled?”

2. Both the sides have filed their written statements. The grievance of the sponsoring Union is that M/s. Central Coal Fields Ltd., a subsidiary of Coal India Ltd., had advertised for the post of E.P. Fitter Grade-III in the scale of Rs. 15.90-0.64-22.30 to which the workman K. K. Sharma responded and, after test, was selected for appointment. But he received appointment letter to the post of Motor Mechanic Category-V by letter of the management dated 25/28-1-80 in the scale of Rs. 19.50-0.72-28.14. In view of the parity of the wage, he joined the post offered in the hope that he would later satisfy the management about the mistake committed in the appointment. After joining he drew the attention of the management to this mistake but the management, vide their letter dated 14/15-2-80, amended the initial order of appointment and informed him that actually he was appointed in Fitter Category-IV instead of Motor Mechanic Category-V in the pay scale of Rs. 17.75-0.53-24.11. The sponsoring Union has claimed that this way his basic salary was reduced from what he would have got according to the appointment letter. It has been submitted that he had joined in the service on 6-2-80 and on 15-2-80 he was reduced in post and pay scale.

3. It is further claimed that he protested to the authority and, subsequently, by order dated 2-9-81 he was placed as Auto Fitter in Category-V. He protested to this also since he had applied for the post of E.P. Fitter in Grade-IV.

4. In the written statement it has also been mentioned as to how the concerned workman was qualified for the post advertised.

5. It has been claimed that the workman was transferred from Ara Excavation Project to Pindra Colliery which was an uninhabitable place. It came to light that he was transferred to favour a motor-mechanic of Ara Colliery Sri Ishwar Singh who was junior to the concerned workman. Ishwar Singh was promoted to Category-VI after serving for a period of four months only, ignoring the claim of the concerned workman. This promotion was made against the rule as well principle of seniority.

6. Ultimately the concerned workman was given the difference of wages as available to E.P. Fitter Category-III (Group-C) by order dated 19/22-2-86, though the workman should have been regularised in Grade-II in Group 'C'. He has pointed out that Grade-III was in Group 'D'. It has been claimed that the workman should have been appointed and placed in Grade-III (Group-D) on his joining the service and should have been promoted E.P. Fitter Grade-II (Group-C) with effect from 6-2-83 and should also have been promoted to Grade-I (Group-B) with effect from 6-2-86 and the dues in wages should have been paid to him.

7. The claim of the management is that an advertisement was published in the year 1978 inviting applications for different posts and certain applicants were called for interview and test. The concerned workman was selected for the post of Fitter in Category-IV but due to inadvertence, the post was mentioned in the appointment letter to be of Motor Mechanic Category-V. Soon after that mistake was located and corrected through letter of the management dated 14/15-2-80. The workman kept quiet and accepted the aforesaid amendment and worked as such. After a year he was promoted as Auto Fitter Category-V. In due course he was allowed to work as E.P. Fitter Grade III and was also allowed difference of wages by Office Order dated 19/21-2-86.

8. The management claimed that the workman could not make claim to the post of Auto-Mechanic Category-V merely because he had applied to such a post and was interviewed. It has been claimed that after his appointment the workman raised no controversy whatsoever whereas he was at liberty not to accept the appointment. After ten years of his appointment the workman cannot be allowed to raise any controversy regarding his letter of appointment (or letter of amendment).

9. About the second part of the reference relating to change in the designation, categories and grades to Sri Sharma, the management has said that this reference has no meaning since no such frequent changes were made. The management, after denying the allegations of the sponsoring Union para-wise, has requested to reject the prayer of the Union concerned.

10. The workman also filed a rejoinder to the written statement of the management.

11. In so far as second part of the reference is concerned, evidently the sponsoring Union has led no stress upon that either in course of evidence or in course of argument. However, any change in designation, category and grade would or would not be justified according to the findings of the first part of the reference as both parts of the reference appear to be linked, though with a weak chain.

12. Coming to the Part-I of the reference the claim of the workman was that he had applied to the post of E.P. Fitter Grade-III but received appointment letter for the post of Auto-Mechanic in Category-V. Both sides admitted that the post of E.P. Fitter was in the Excavation Grade. For this the book on "Nomenclature, Job Description And Categorisation of Coal Employees" may be referred to. But the concerned workman who is only witness to be examined on his behalf had admitted in the first part of cross-examination that he had applied for the post in E&M Cadre. His evidence is merely on the point of his entitlement to promotion and his supersession by another workman, Ishwar Singh. I need not dwell upon the point extracted by the management in cross-examination relating to Ishwar Singh since that is not subject-matter of the reference, hence cannot be entered into.

13. The workman has said that he had raised protest over reduction in rank just after his joining the service and he has placed Ext. W-9 to be the letter relating to his protest. This letter is dated 3-9-80 and is described as the Office copy. The learned lawyer representing the management has submitted that this is a paper created for the purpose of the case though no such letter was received by the management. He submitted that from the reading itself of the paper, it would clearly appear that this is a recent creation. It has been submitted that no receipt has been granted on the office copy as no official of the management has put his signature or even some rubber stamp over this.

14. Under such circumstances I also do not find that any reliance can be placed upon Ext. W-9.

15. How subsequently the workman should have been promoted to different grades and categories is also not the subject-matter of the reference hence need not be entered into.

16. The two witnesses of the management have supported the case of the management.

17. Obviously through Ext. W-1 the concerned workman, was offered the post of Motor Mechanic Category-V on which post, as per admission of the workman himself, he had joined on 6-2-80. Admittedly, before he could draw the pay for the first month of work, another amendment letter Ext. W-3 was issued clarifying that he actually was appointed as Fitter Category-IV, instead of Motor Mechanic Category-V.

18. It will not appear from the record that the workman refused to accept the amendment, rather the materials on record support the contention of the management that the workman worked on this post without raising any dispute. The reference in this case is dated 12-5-1989, more than 9 years after issuance of the letter in Ext. W-3. Obviously a dispute was raised after much water has flown in the Ganges and in the meantime it appears that the concerned workman continued accepting one after another benefit from the management. Through Ext. W-4 the concerned workman was regularised to the post of Auto Fitter Category-V with effect from 2-9-81, the date of the letter. Through Ext. W-5 which is an Office Order dated 2/3-11-82 the workman was allowed to join at Pindra Colliery on his transfer from Ara

Colliery. Through Office Order dated 26-6-84 (Ext. W-6), he was released from Pindra Colliery to join at Ara Colliery. Through Ext. W-7 he was allowed to join at Ara Colliery.

19. As already stated, the workman admittedly received promotion in the mean time. Through Ext. W-8, which is Office Order dated 19/22-2-86, the concerned workman along-with 16 others of the Excavation Discipline were allowed to draw the difference of wages for the post mentioned against their names. Sri K. K. Sharma was allowed to draw difference in wages between that of E.P. Fitter Grade-III and Auto Mechanic Category-V.

20. The sponsoring Union has not adduced any cogent evidence to show that the workman had applied only for the post of E.P. Fitter Grade-III. As already stated the workman admitted in his evidence that he had applied for the E&M Cadre.

21. Taking for argument sake that he had applied for that particular post then he was at liberty to insist for his posting as such if he had appeared in the test and interview for the post alone and his name was amongst successful candidates. If he had been selected for the post of E.P. Fitter Grade-III then the law would have helped him in getting that post. But not only he joined on another post, but also accepted the amendment in his post and pay scale. One reason as to why he might have accepted the amended post can be found in his written statement itself. According to him, the wage scale of E.P. Fitter Grade-III was Rs. 15.90-0.64-22.30 whereas even in the amended post he was offered pay scale of Rs. 17.75-0.53-24.11. The initial pay and the maximum of pay in the amended post were higher than the daily wage of an E.P. Fitter Grade-III.

22. Therefore, at this stage and in face of such evidence the claim of the sponsoring Union can hardly be justified, particularly when the dispute was raised after abnormal delay. After such abnormal delay such prayer cannot be allowed which, if allowed, will have the potential to disturb or deny the position and seniority of other workmen in that other categories, without their being a party to this dispute.

23. It was indeed in view of such a situation that the learned lawyer on behalf of the workman, Shri J. P. Singh, did not continue to press for the relief in the first part of the reference stating that though with some delay, but the workman had got the category to which he was originally appointed.

24. In so far as the first part of the reference is concerned I do not find that the action of the management in offering the post of Auto Mechanic in Category-V and not the post of E.P. Fitter Category-III (which offered post subsequently was amended to be a post in Category-IV) can be held to be unjustified. In other words, that action now must be deemed to be justified under the circumstance of the matter.

25. In so far as the second part of the reference is concerned, it has not been brought on the record that the management had made frequent changes in designation, categories and grades of Shri Sharma, particularly in view of the conclusion arrived at in connection with the first part of the reference.

26. Shri Singh in his argument has stressed much on the alleged supersession of the workman by another workman Ishwar Singh (Vide Ext. W-10 and Ext. W-11) who, according to Shri Singh, was junior to the concerned workman. As I have already pointed out, it is not possible for me to enter into that aspect of the grievance of the workman since that is not a part of the reference. However, I am sure, if there be some truth in the matter and if the workman makes proper representation in this regard to the management the management would consider the same and, if justified, do justice to the claim of the concerned workman. But this cannot be included in the award.

27. In view of the above, the following award is rendered—
The action of the Management in appointing the concerned workman to the post of Auto Mechanic in Category-V which, soon after the joining of the workman, was amended to Category-IV post, was justified. Since the sponsoring Union has not proved that frequent changes were made in the designation, categories and grades of the concerned workman, which were not warranted under the governing rules, there is no question of finding any action of the management relat-

ing to such changes, which may also be by such amendment or by promotion, to be unjustified. The workman, therefore, is entitled to no relief.

In the circumstances of the case there will be no order to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 12 अप्रैल, 1994

का. अ. 1074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ओ. एन. जी. सी., मेहसाना, के प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनु-बंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण गुजरात, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-94 को प्राप्त हुआ था।

[संख्या एन-30011/10/91-प्राई आर (विविध)/कोल-1]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Gujarat, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of O.N.G.C. Mehsana and their workmen, which was received by the Central Government on 8-4-94.

[No. L-30011/10/91-IR (MISC)IR(Coal-1)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SHRI R. KAMODIA, INDUSTRIAL TRIBUNAL,
AHMEDABAD

Ref. (ITC) No. 68 of 1991.

ADJUDICATION :

BETWEEN

O.N.G.C., Project, Mehsana.

AND

The workmen employed under it.

In the matter of termination of Shri G. B. Vyas, Casual Labourer, O.N.G.C., Project, Mehsana.

APPARANCES :

Shri K. V. Gadia, Advocate, for the first party.

Shri Moin Shaikh, Advocate, for the second party.

AWARD

An industrial dispute between the above-named parties has been referred for adjudication to the Industrial Tribunal, Ahmedabad under section 10(1) of the I.D. Act, 1947 by the Desk Officer, Govt. of India, Ministry of Labour, New Delhi under his order No. L-30011/10/91-IR(Misc.) dt. 30-10-1991. Subsequently, under an appropriate order it has been transferred to this Tribunal for appropriate orders.

2. The industrial dispute relates to the question whether the workman Shri G. B. Vyas, Casual Labour should be treated as directly employed by the ONGC Mehsana Project and if so, whether the action of management in terminating his services w.e.f. 3-3-90 without complying with Sec. 25F of I.D. Act is legal and justified? If not, to what relief the concerned workman is entitled?"

3. The second party has contended in its statement of claim Ex. 6 that the concerned workman has worked as a casual worker in O.N.G.C., Mehsana w.e.f. 5-7-1985. He has worked as such in Geology Section upto 20-10-1985. He has worked in Geology Physical Party from 21-10-1985 to 1-4-1986. He was thereafter posted in Transport Section and

worked as such till 2-3-1990. On 15-2-1990 he had submitted a demand notice that he has been working since long and he should be made permanent with the result that the 1st party immediately discharged him from service without giving any mandatory benefits to him. Therefore it has prayed to declare that the decision of the first party in discharging him from service is illegal and for continuing him in continuous service with effect from the date of discharge from service.

4. The first party has contended in its written statement Ex. 7 that he reference is not at all maintainable. The concerned workman is not a workman because he was not employed by it but was employed by a contractor. It is true that he was engaged in Geology department, Mehsana Project for 87 days from 5-7-1985 to 20-10-1985. However, he was discharged thereafter and he was never employed thereafter by the commission. He was also engaged by O.N.G.C., Baroda and not by O.N.G.C. Mehsana. O.N.G.C. Baroda is different from O.N.G.C. Mehsana and so the nature of duty discharged by him in O.N.G.C. Baroda and the nature of duty discharged by him in Mehsana Project are altogether different. He has not worked in Transport Section, Mehsana until 2-3-1990. It is not true that he has submitted a demand notice dt. 15-2-1990 and it is also not true that he had completed 240 days in every year. He was inducted by a contractor. The management issued an identity card from time to time. They are the employees inducted by the contractor, and permitted as workmen so that they can enter premises on the strength of identity cards. Therefore mere holding of the identity card does not mean that he is the employee of the commission. Hence on these grounds it has prayed to dismiss the claim petition with cost.

5. The second party has examined the concerned workman Shri G. B. Vyas at Ex. 26, whereas the first party has examined Shri Gordhanbhai Bhikhhabhai Vyas at Ex. 23 and Shri Ratankumar Hariram Kaushal at Ex. 40. This is the only oral evidence adduced by the parties. They have filed documentary evidence and they rely on the same in support of their respective contentions. I have heard the learned advocates of the parties and I have gone through the entire record of the case.

6. So far as the nature of service from 5-7-1985 to 20-10-1985 is concerned there is absolutely no dispute between the parties. The first party has admitted in paragraph 8 of its written statement Ex. 17 that he had worked in Geology section, Mehsana Project in this period. However, it is contended that he was inducted for the specific job and for the specific period and on expiry of the said specific period he was discontinued. Thereafter he was never engaged by the commission. Apart from these facts let us not take into consideration on the period of duty discharged by him with the commission for denying this period because it is not at all relevant to decide this case.

7. It is the contention of the second party that the concerned workman had worked at Baroda for a particular period and thereafter he had joined Mehsana Commission. So far as the first party is concerned it is contended that for the said period the concerned workman had worked in Baroda Commission and not with Mehsana Project. According to it Baroda Project and Mehsana Project are altogether different projects. There is no connection between each other. It is further contended that the nature of work and place of work are altogether different. Therefore according to it the work done with the Baroda Project cannot be compared as having been done with Mehsana Project. There is some substance in this submission made by the first party, with the result that the duties discharged by the concerned workman with Baroda Project cannot be taken into consideration as duty discharged by him with Mehsana Project. Ex. 9 to 13 are identity cards. They are for the period from 7-7-1987 to 30-6-88, 1-7-88 to 30-6-89, 1-7-89 to 30-9-89, 8-10-89 to 31-12-89 and 1-1-90 to 31-3-90 respectively. These are the periods according to the concerned workman pertaining to Mehsana Project, whereas as per the first party these are the periods for which the concerned workman had worked with the contractor and not with the commission. Therefore the small question that now remains to be decided is whether the concerned workman had worked with the Mehsana Project or with the contractor during this entire period. It is pertinent to note that he had worked from 7-7-1987 to 31-3-90. Thus it is clear that he had put in 240 days of service in every year. Therefore this aspect is proved by the concerned

workman. The only question that remains to be decided is whether he had discharged duties during this entire period with Mehsana Project or with the contractor.

8. The identity card from Ex. 9 to 13 are very important. It was contended by the first party that the management had issued identity card so as to enable the concerned workman of the contractor to enter into premises by showing the same to the security department. This is an oral submission. However, the oral submission with respect to documentary evidence cannot be taken into consideration, particularly when the documentary evidence does not bear out this oral submission. Ex. 9 will go to show that it has been signed by Shri Bhikhhabhai at Ex. 32. He has admitted his signature. This is a card issued by ONGC. It was a temporary identity card. It was submitted by the learned advocate of the contractor that if the concerned workman was a permanent workman the commission would not have issued temporary identity card from time to time but would have issued permanent pass. There is no merit in this submission because the case of the concerned workman is that he was employed as casual workman and he submitted notice Ex. 14 for treating him as a permanent workman. He has further submitted that as he had submitted notice Ex. 14 he was discharged from service. Therefore one thing is very clear. The concerned workman was not a permanent workman. He wanted to be made permanent. Of course the first party has denied in its written statement to have received demand notice from him. The concerned workman has produced its office copy at Ex. 14/15 together with postal acknowledgement due at Ex. 16. Thus these documents will go to show that the first party had received notice of demand. It was issued on 15-2-1990, whereas the concerned workman was discharged thereafter. It is thus clear that the concerned workman had before the discharge from service addressed a notice to Mehsana Project for treating him as a permanent and for giving all the benefits of permanent workman, with the result that he was discharged from service. Therefore the contention of the learned advocate of the first party that he would have issued a permanent pass will not hold good. It is clear that concerned workman was a casual workman. He was employed from time to time without any break from 7-7-1987 till the date of discharge by the Commission at Mehsana. Hence temporary identity cards used to be issued by the Project from time to time. Ex. 9 will go to show that his designation was shown as casual labourer. It also makes a mention about place of duty as Transport Section, O.N.G.C., Mehsana. Thus the identity card Ex. 9 will go to show that he was engaged in Transport Section by ONGC Mehsana Project. Thus he was engaged by commission of Mehsana Project in its Transport Section. Ex. 9 is totally silent about contractor's name. It does not show that he was employed by the contractor and that this identity card has been issued so as to enable him to enter premises. Ex. 9 will show that it is totally silent about the contractor, but on the contrary it will go to show that he was employed by the ONGC Mehsana Project. It is signed by Shri Bhikhhabhai. Ex. 10 is also of the same nature. Ex. 12 and 13 are also of the same nature. Now in Ex. 12 there are two lines above signature of Shri Bhikhhabhai. Shri Bhikhhabhai has disputed these lines. It reads that the concerned workman is working in ONGC Transport section since last two years. It appears that Shri Bhikhhabhai has come to know about these expressions and that is why he was driven to deny these two lines. Now if we look in to Ex. 9 to 12 there is no gap in between the signature of the employee and signature of Shri Bhikhhabhai, with the result that no cards can be inserted in between the signatures. However, this is the position of Ex. 12. There is gap in between the signature of employee and the Transport Officer whereas such a gap was not found in the previous cards. At the same time in the previous identity card the signature of the Transport Officer was directly below the signature of the employee without leaving any gap whereas in Ex. 12, signature of Transport Officer is below the above expressions which are made below the signature of the employee. Therefore, there are reasons to believe that the above expression were made by the ONGC Mehsana and not by the concerned workman. Therefore Ex. 12 will go to show that he was employed in ONGC Transport Section, Mehsana. Therefore this aspect falsifies the case of commission that the concerned workman was employed by the contractor. I once again repeat and say that Ex. 12 is totally silent about the contractor's name.

It does not make any mention about the contractor. Therefore Exs. 9 to 13 clearly show that they were issued by the Transport Office, Transport Section, ONGC, Mehsana and not by the contractor. Now Ex. 21 is the application submitted by the second party requiring the first party to produce documents mentioned therein. It had prayed for production of muster roll for the period from 1-7-87 to 31-3-90. The first party ought to have produced these documents. However the fact remains that it did not produce these documents but on the contrary submitted its reply Ex. 22, wherein it was contended that the concerned workman was employed by the Modern Main Power Vehicle Mechanical equipment suppliers Labour Co-op. Society, Mehsana and that is why his name is not in the muster roll and hence it has not produced them. This excuse is very lame. If really his name is in the Society it would have certainly produced them to show that in the muster roll the name of the concerned workman is absent and this could have proved that he was not employed by the Mehsana Project. However, the fact remains that it has not produced them and so this will give rise to an adverse inference that this muster roll contain the name of the concerned workman and that is why they are kept back by the first party. I once again repeat and say that if the name of the concerned workman is not in the muster roll the first party would have certainly produced them, but then as it has not produced them, it means that there is the name of the concerned workman in the muster rolls.

9. Now the concerned workman has said that his daily wages were Rs. 23.60 and he was paid by the cashier of the Transport Section of ONGC Mehsana. This is not true. The first party would have certainly produced the relevant document from the transport office. However, it has not produced them. Therefore there are reasons to believe that the concerned employee was paid by the Transport Office and his name was in the cash book and that is why the first party has not produced them. If it had produced them it would have made the matter clear. However it has not produced and so the above adverse inference will have to be drawn against it.

10. The second party has required the first party to produce the despatch register of Transport Section, ONGC, Mehsana for the period from 1-7-1987 to 31-3-1990. The despatch registers are also not produced by the first party on the same ground. It has contended that as the concerned workman was employed by the contractor he has not written the despatch register and that is why they are not produced. This is not correct. If the despatch register does not contain the name of the concerned workman, the first party would have certainly produced them. Therefore, there are reasons to believe that the despatch registers for the period in question contractor Law worthy of the concerned workman and that is why the first party has not produced them. This is the only adverse inference which can be drawn against the first party. If really it does not contain any signature or Law worthy of the concerned workman the first party would have certainly produced them. As it has not produced them the above adverse inference will have to be drawn against it. Thus it is clear that from 7-7-1987 to 2-3-1990 the concerned workman had worked in the ONGC Transport Section Mehsana Project. He has worked for 240 days in every year. He was a workman of the ONGC, Mehsana Project. It is not proved that he was employed by the contractor. The contractor is not examined, but on the contrary the Commission has in reply Ex. 21 produced document at mark 221. Shri Bhika Bhai has said that he has made no mention about the nature of the duties to be discharged by the concerned workman. This is not correct. Ex. 9 clearly shows that the place of duty as Transport Section. This is an important admission made by him. It is admitted that the concerned workman used to work in Transport Section. This is an important admission made by him. Thus his attention was drawn to paper at mark 331. He has said that it bears a copy of the signature and thereby he has tried to deny his signature. Now there are his ad-

mitted signatures to Ex. 9 and 13 because he admitted his signatures. Hence let us compare his admitted signatures with that of disputed signature at mark 33/1. I must say that disputed signature at mark 33/1 truly compares with his admitted signature at Exs. 9 to 13 and so it is clear that the paper of mark 33/1 bears the signature of Shri Bhikhahhai. However, for reasons best known to him as he is not in a mood to admit the same.

10. The first party has produced some documents at Ex. mark 41 to 45. If we consider those documents they will go to show that some agreement was executed with the contractor. However, these papers would not prove that the concerned workman was employed by the contractor. These papers do not bear the name of the concerned workman. Even if we take these papers into consideration they will not be useful to the first party for the purpose of proving in particular that the concerned workman was employed by the contractor. Shri Kaushal Ex. 40 has said that he does not know all those persons who are working in Transport Section. This is therefore the only evidence on the record.

11. I have discussed the entire evidence on the record and I have come to the conclusion that the concerned workman was never employed by the contractor. He was employed by the ONGC, Mehsana. There is nothing on the record to show that he was employed by the contractor, but on the contrary Ex. 9 to 13 clearly go to show that he was employed in Transport Section, ONGC, Mehsana Project. These identity cards are signed by Shri Bhikhahhai, officer of ONGC, Mehsana. Thus it is clear that from 7-7-1987 to 3-2-1990 the concerned workman has continuously worked in Transport Section of ONGC, Mehsana and he had worked for 240 days in every year, with the result he was discharged from service without the compliance of the mandatory requirements contained in Section 25-F of the I.D. Act, 1947. Of course ONGC, Mehsana can discharge him by complying with the requirements contained in this provision. However, when he was discharged the first party does not comply with the provisions contained in S. 25-F with the result that his discharge from service is void ab initio and so a declaration will have to be made that he continues to be in continuous service w.e.f. the date of discharge. So I pass the following order.

ORDER

The reference is allowed and so the discharge of Shri G. B. Vyas by ONGC, Mehsana is declared to be void ab initio, and consequently it is further declared that he continues to be in continuous service together with wages w.e.f. 3-3-1990 till the date of resignation, retirement, death, legal retrenchment, termination by way of punishment etc. The first party is directed to pay Rs. 200/- by way of cost to the second party and bear its own.

Sd/-

S. M. NAYAK, Secy

Ahmedabad : 31st March, 1994.

Sd/-

H. R. KAMODIA,
Industrial Tribunal.

Ahmedabad : 31st March, 1994

नई विल्ली, 12 अप्रैल, 1994

का. आ. 1075.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यनाईटेड हिंडिया इन्ड्योरेंस कं. लि. के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-94 को प्राप्त हुआ था।

[संख्या एल-17012/105/90-प्राई आर (बी-2)]

बी. के. शर्मा, ईस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of United India Insurance Co. Ltd., and their workmen, which was received by the Central Government on 12th April, 1994.

[No. L-17012/105/90-IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, the 2nd day of March, 1994
Industrial Dispute No. 60 of 1990

BETWEEN

The Workmen of United India Insurance Company Limited, Hyderabad. . . . Petitioner.

AND

The Management of United India Insurance Company Limited, Hyderabad. . . . Respondent.

APPEARANCES:

M/s. V. Jogayya Sharma, V. Venkata Rao & K. Vasudeva Reddy, Advocates—for the Petitioner-Workmen.

M/s. K. Srinivasa Murthy, G. Sudha and M. Ananthasen Rao, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-17012/105/90-IR.(B-II), dated 1st October, 1990 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the management of United India Insurance Company Limited and their workmen to this Tribunal for adjudication:

"Whether the action of the Management of M/s. United India Insurance Company, Hyderabad in retrenching the workman Sri M. A. Sayeed, Security Guard is justified? If not, to what relief the workmen concerned is entitled?"

This reference is registered as Industrial Dispute No. 60 of 1990 and notices were issued to the parties.

2. The workmen filed their claim statement on 22nd October 1990 and the Management filed their counter on 14th March, 1991 and the dispute was posted for enquiry on 15 February, 1994 after giving many adjournments on the parties. The workman examined W.WI on 15-2-1994. It was posted for further evidence on 2nd March, 1994. On 2nd March, 1994 both parties filed Memo of Compromise dated 2nd March, 1994 requesting to pass an Award in terms of the settlement dated 2nd March, 1994 was allowed, and the compromise filed by the parties was recorded. When both the parties had compromised the matter among themselves and out of the Court, this Tribunal is of the opinion that the terms of compromise entered into by them are fair and proper and in their own interest, and it is recorded. Hence an Award in terms of the compromise dated 2nd March, 1994 is passed and comply of it is annexed to this Award.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 2nd day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined for the Petitioner:

W.I.—M. A. Sayeed.

Witnesses Examined for the Respondent:

NIL.

Documents marked for the Petitioner & Respondent:

NIL.

Y. VENKATACHALAM, Industrial Tribunal-I.

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD
I.D. No. 60 of 1990
BETWEEN

M. A. Sayeed,

Workman,

United India Insurance Co. Ltd.,
Residing at Plot No. 66,
Vallabhai Patel Nagar,
Rasoolpura,
Secunderabad-500003.

...Petitioner.

AND

The Regional Manager,
United India Insurance Co. Ltd.,
(Subsidiary of General Insurance Corporation of India)
Hyderabad Regional Office,
P.B. No. 1020.
3-5-817 & 818. Basheer Bagh,
Hyderabad-500029.

...Respondent.

MEMO OF COMPROMISE FILED BY THE PARTIES
Both the parties state that the above dispute has been compromised on the following terms:

1. The Respondent Management agrees to appoint Sri M. A. Sayeed/the petitioner as Sub-Staff in the services of the company.
2. The said appointment with the Company shall be with prospective effect.
3. It is mutually agreed by both the parties that there shall be no payment of back wages.

In view of the above, both the parties hereby agree to file this joint memo of compromise before this Tribunal and pray for a consent award on the above mentioned terms.

Respondent

Sd/-

Petitioner

Sd/-

Petitioner

• नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1076.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाग्यतीय खात्य निगम के प्रबन्धताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अण्णीगढ़ के प्रकाशित करती है, जो केन्द्रीय सरकार को 8-4-94 को प्राप्त हुआ था।

[संध्या प्र०—22012/101/एफ/90—ग्राइ आर (सी. -II)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 8-4-1994.

[No. L-22012/101/F/90-IR(C.I.D.)
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 117/90

Mukhtyar Singh Vs. Food Corporation of India.

For the workman : Shri Ranjit Dhiman.

For the management : Shri P. K. Jain.

AWARD

Central Government vide gazette notification No. L-22012 (101)/F/90-I.R. (Col.II) dated 10th September, 1990 issued U/S 10(1)(d) of Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of F.C.I. in relation to their Rohtak District in terminating the services of Shri Mukhtyar Singh, Messenger, w.e.f. 1-10-86 is just fair and legal ? If not, what relief the worker concerned is entitled to and from what date ?”

2. Case of the present petitioner as set out in the statement of claim that the petitioner was employed as messenger/casual worker w.e.f. 1-5-1974. He continued as such up to 30-9-1986. His work and conduct throughout was very good and to the satisfaction of the management. His services were illegally terminated on 30-9-1986 without assigning any reason and without holding any enquiry. He was not paid any retrenchment compensation. He was not served any notice before the termination of services. The management has thus violated the provisions of Chapter VA of the Industrial Disputes Act, 1947. He also alleges violation of Section 25-G and II having retained junior and employment of number of other casual labourer/messengers after his termination from the service. He has stated to have sent registered notice dated 15-11-1988 but no effect. He has thus sought the reinstatement with continuity of service with full back wages and other consequential benefits.

3. The management in their written statement has taken the preliminary objection that there is no relationship between the petitioner and the management. The present reference is time barred having petitioner raised this dispute after extraordinary delay. It was denied that the petitioner worked as messenger w.e.f. 1-5-1974 to 30-9-1986. The stand of the management that the services of the petitioner was used to be engaged on casual basis as and when required. He continued working w.e.f. April 1983 to February 1984. His work and conduct was not satisfactory. He cheated the corporation by receiving double payment of his engagement for 26-4-1983 and 27-4-1983 from two different officers of the Corporation. The report of the handwriting expert dated 31-5-1991 confirmed the management's version. The integrity of the petitioner was doubtful. He is rather a bad character. Despite the petitioner has completed 233 days yet he can not be taken into the service on the said ground. Other contentions were denied. The regd. letter of the petitioner was received on 16-11-1988 in which he has stated that he had worked as messenger 'D' at Rohtak where he has never worked as messenger 'D' at all. The management thus sought the dismissal of this reference.

4. Replication was also filed, reasserting the same facts as stated in the claim statement.

5. The petitioner in support of his case examined himself as WW1. He filed his affidavit Ex. W1 in evidence. MW1 Bhim Singh Rana, District Manager is the management's witness. He filed his affidavit Ex. M1 and also relied on the documents Ex. M2 to Ex. M12 showing the number of days put in by the petitioner in 1983-84.

6. I have heard both the parties, gone through the evidence and record.

7. There is inherent lacuna in the present case. According to the petitioner his termination is w.e.f 1-10-86. In the term of reference date of termination too mentioned 1-10-86. But however according to the management the petitioner had only worked from April 1983 to February 1984. He has not at all worked upto 1986. The petitioner in order to have protection of Section 25-G of the Industrial Disputes Act, 1947 has to establish to have worked for more than 240 days

preceding 12 calendar months from the date of termination i.e. 1-10-1986. No doubt it is incumbent on the management to produce documents in that respect being same remain in possession of the management. But for obvious reasons the management could not produce the documents beyond 1984 since according to them he has only worked up to February 1984. The management in all fairness has placed on the record copies of the muster roll showing number of days put in by the petitioner during the period April 1983 to February 1984. No doubt if Sundays and holidays are to be included, the petitioner does complete more than 240 days. But the same does not help to the petitioner being he has claimed to have retrenched from service w.e.f. 1-10-86. In that situation it is for the petitioner to prove that he had in fact worked up to 30-9-1986 and retrenched from service w.e.f. 1-10-1986. He has not taken any steps to prove the same. He can file an application for the production of documents in order to substantiate his claim for having worked up to 30-9-1986. He could produce officers of the Corporation under whom he had worked during the period in dispute i.e. 1984 to 1986. Even he has not cared to produce his co-workers in support of his claim. Stand of the management that he had worked up to February 1984 seems more probable in view of the fact that there were allegations against the petitioner for having withdrawn double payment of his wages for 26-4-1983 and 27-4-1983 from two different officers of the corporation which was probed in. The handwriting expert had given his report dated 31-5-1991. The said report has been placed on the record in relation to the comparison of signatures of Mukhtiar Singh the present petitioner is Ex. M2 on the basis of which an FIR got registered against the petitioner as deposed by MW1 Bhim Singh Rana in his cross-examination. In this situation the management would certainly not have allowed the petitioner to continue after the said incident. Since in terms of reference too the date of termination is w.e.f. 1-10-1986 the jurisdiction of this Court is limited and restricted only to the issue referred to it by the appropriated government by an order of reference. It can not alter the term of reference or basis of reference. In adjudicating upon an industrial dispute the Tribunal can not arrogate to itself powers which the legislature alone can confer or do something which the legislature has not permitted to be done. The Tribunal acquires jurisdiction to adjudicate upon an industrial dispute only after it has been referred to it. In other words, without such a reference, the Tribunal does not get any such jurisdiction to adjudicate upon any dispute. Since the term of reference relates to termination w.e.f. 1-10-1986 the petitioner could only get relief provided he had worked for more than 240 days preceding 12 calendar months from the date of termination i.e. 1-10-1986. Since the petitioner has failed to prove the same as discussed above, he certainly can not derive any benefit.

8. Arguments of the petitioner in relation to violation of Section 25-G and 25-H of the Industrial Disputes Act, 1947 is not substantiated with any legal proof. The petitioner is heavily burdened to prove the same. He has not produced any document in support of the said claim. He even has not stated which of the junior has been retained in violation of Section 25-G at the time of termination of his service and whom has been appointed after the termination of his services in violation of Section 25-H of the Industrial Disputes Act, 1947. This plea of the petitioner also stands rejected.

9. Hence nothing survive in the proceedings initiated by the petitioner. He is not entitled to any relief what-so-ever. The reference is returned to the Ministry.

Chandigarh,

25-3-1994.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य नियम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-94 को प्राप्त हुआ था।

नई दिल्ली के पंचपट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को ————— को प्राप्त हुआ था।

[संख्या एल-22012/163/90-आई आर (सी-II)]
राजा लाल, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the....

[No. I-22012/163/90-IR(C.II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 125/90

In the matter of dispute between :

Shri Ashok Kumar through
The General Secretary,
Food Corp. of India Emp. Congress,
E-12/D (MIG), Mayapuri, New Delhi-64.

Versus

The Zonal Manager,
Food Corp. of India, 4th Floor,
Ansai Bhawan, K. G. Marg, New Delhi.

APPEARANCES :

Shri Ramesh Chander for the Management.
Workman in person.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012(163)/90-I.R.(C.II), dated the 15th October, '90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India, Zonal Office, New Delhi in denying retrospective effect to the changeover/seniority to the Accounts cadre in respect of Shri Ashok Sobti on the basis of his option given in 1977 is justified ? If not, to what relief Shri Ashok Sobti is entitled ?"

2. The dispute between the parties stood settled on 24-1-94 and a statement to this effect was made by the workman. He prayed that since the matter has been settled and no dispute award may be given in this case. The statement was duly signed by officer of the management on behalf of the Zonal Manager, FCI. In view of this situation I order that no dispute exist between the parties and the same has since been settled. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer
January 24, 1994.

नई दिल्ली, 12 अप्रैल, 1994

का. आ. 1078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ला कालयरी आफ मै. बी.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-4-94 को प्राप्त हुआ था।

[संख्या एल-24012/229/87-ई-IV (बी)]
राजा लाल, डैस्क अधिकारी

New Delhi, the 12th April, 1994

S.O. 1078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kuya Colliery of M/s. BCCL and their workmen, which was received by the Central Government on the 5-4-94.

[No. L-24012/229/87-D.IV(B)]
RAJA LAL, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 53 of 1988

Parties :

Employers in relation to the management of Kuya Colliery of M/s. B.C.C. Ltd.

AND
Their Workmen.

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 25th March, 1994

AWARD

By Order No. L-24012(229)/87-D.IV(B), dated 29-4-1988 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management of Kuya Colliery of Bastacolla Area No. IX of M/s. BCCL in not regularising Smt. Robini Modian, Truck Loader is justified? If not, to what relief the concerned workman is entitled?"

2. On 18-3-94 Sri R. S. Murthy, learned Advocate for the management filed an application that the concerned working woman was declared permanent with immediate effect by Office Order dated 7-2-89, a copy of which was attached with the application. In view of this, Sri Murthy submitted that there remains 'no dispute', hence, if agreed to by the sponsoring Union, a 'no dispute' award may be given.

3. Sri D. Mukherjee, Secretary of the sponsoring Union was present and he agreed that an award may be rendered in view of the aforesaid Office Order which stood implemented.

4. Therefore, it appears that now no dispute exists between the parties requiring any adjudication. In view of this a 'no dispute' award is hereby rendered.

P. K. SINHA, Presiding Officer

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1079.—श्रीदैगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उसे दिनांक 12-4-94 को प्राप्त केतरी कापर कार्यालैक्स प्रबंधन के संबंध में उनके कर्मकारों और नियोक्ताओं के बीच हुए श्रीदैगिक विवाद के संबंध में अनुबन्ध में यथोक्त केन्द्रीय सरकार श्रीदैगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है।

[सं. एल-43012/21/88-डी III (श्री)]
वी.एम. डेविड, डैस्क ग्राहिकारी

New Delhi, the 13th April, 1994

S.O. 1079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court JAIPUR as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of KETRI COPPER COMPLEX and their workmen, which was received by the Central Government on 12-4-1994.

[No. L-43012/21/88-D.III(B)]
B. M. DAVID, Desk Officer

केन्द्रीय श्रीदैगिक न्यायाधिकरण जयपुर

केस नं. सी.आई.टी. 27/89

रेफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का श्रावण
क्रमांक एल-43012/21/88/डी-3 (श्री) दिनांक

11-2-1989

खेतड़ी तांबा श्रमिक संघ, खेतड़ी तगर

—प्रार्थी

बनाम

हिन्दुस्तान कॉपर लि., खेतड़ी कॉपर कॉर्पोरेशन, खेतड़ी तगर
—प्रप्रार्थी

उपस्थित

माननीय न्यायाधीश श्री गंकर लाल जैन, आर.एच.जे.एस
प्रार्थी की ओर से :

कोई हाजिर नहीं
(एक पक्षीय)

प्रप्रार्थी की ओर से :

श्री गोविंद कुमार शर्मा

दिनांक अवार्ड :

15 जनवरी 1994

अवार्ड

यह प्रकरण इस न्यायालय में दिनांक 24-2-89 को दर्ज हुआ और दिनांक 24-3-89 को प्रथम पेशी नियत की गई। यन्त्रित की ओर से स्टेटमेंट शाफ क्लेम दिनांक 15-9-89 को रेख हथा जिसका जवाब विपक्षी की ओर से दिनांक 23-11-90 को प्रस्तुत किया गया। तप्पचाल मामला युनियन की साक्ष्य हेतु 25-7-91 को रखा गया तब से 17-9-91, 7-11-91, 3-2-92, 24-3-92, 6-7-92, 10-8-92, 3-11-92, 3-2-93, 22-3-93, 17-5-93, 28-7-93 20-10-93, 14-12-93 एवं 12-1-94 प्रथम करीब 16 मौके दिए गये विर भी प्रार्थी युनियन की ओर से कोई साक्ष्य प्रस्तुत नहीं की गई। दिनांक 12-1-94 को प्रार्थी युनियन की ओर से कोई पदाधिकारी अथवा उनके प्रतिनिधि उपस्थित नहीं आये न ही कोई साक्ष्य उपस्थित थी। अतः प्रार्थी युनियन की साक्ष्य बंद की गई। विपक्षी के प्रतिनिधि ने भी कोई साक्ष्य प्रस्तुत नहीं करनी चाही। अतः प्रकरण में 13-1-94 को मुनवाई की गई। चूंकि मामले में प्रार्थी युनियन ने कोई रचि नहीं ली है एवं समुचित अवसर दिये जाने के बाद भी कोई साक्ष्य प्रस्तुत नहीं की है अतः मामले की परिस्थितियों को देखते हुए 'नो डिस्पूट' अवार्ड पारित किया जाता है जो केन्द्र सरकार को प्रकाशनार्थी नियमानुसार भेजा जावे।

गंकर लाल जैन, पी.डी.सी.न अधिकारी
केन्द्रीय श्रीदैगिक न्यायाधिकरण, जयपुर।

नई दिल्ली, 13 मार्च 1994

का. आ. 1080 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में केन्द्रीय सरकार, उसे दिनांक 11-4-94 को प्राप्त वी.जी.एस.एल. प्रबन्धन के संबंध में उनके कर्मकारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनुबन्ध में यथोक्त केन्द्रीय सरकार, औद्योगिक अधिकारण एवं न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है।

[सं. ए.ल-43012/2/92-आई.आर. (विविध)]

बी.एस.डैविड, ईम्पक अधिकारी

New Delhi, the 13th April, 1994

S.O. 1080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of B.G.M.L. and their workmen, which was received by the Central Government on 11-4-94.

[No. L-43012/2/92-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE
Dated this 28th day of March 1994

PRESENT :

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.
Central Reference No. 35/93

I party
President,

B. G. Miners Association,
No. 545, Near Punjabi Lane,
Oorgaum, K.G.F.
(Ex. parte)

v/s.

II party

The Managing Director,
Bharath Gold Mines Ltd.,
Oorgaum, 563120, K.G.F.
(By Sri T. Raja Ram, Advocate)

AWARD

In this reference made by the Hon'ble Central Govt. by its order No. L-43012/2/92-IR (Misc.) Dt. 5-5-93 under Sec. 10(2A)(1)(d) of I. D. Act the point for adjudication as per schedule to reference is :

"Whether the action of the management of B.G.M.L. Oorgaum, in dismissing Sri C. Subramany, Head Sectional clerk, w.e.f. 6-1-87 and subsequently appointing him as clerk/typist in 'D' grade w.e.f. 1-7-87 is justified? If not, to what relief the workman is entitled to?"

2. Ex. M.1 is the charge sheet issued to I party workman. As per Ex. M.1 the allegation against I party workman is :—

The I party workman was Head Sectional Clerk in PD/CR ration depot. On 28/29-8-86 the Chief Vigilance Officer and Deputy Personnel Manager (Welfare) carried out physical stock verification of the CR ration depot of which I party was the Head Sectional Clerk. The Vigilance Officer found shortage of 62.30 quintals of super fine rice valued Rs. 17,132.50 Ps.

3. M.W.I Syed Azeez Mohamad, Asstt. Personnel Manager was appointed the enquiry officer and he conducted the departmental enquiry against I party workman and gave a report, giving finding that the charge against I party was proved.

4. In pursuance of the D.E. held, holding that the I party was guilty, the disciplinary authority passed an order of dismissal as per Ex. M.9. The I party appealed to the Appellate

authority as per Ex. M.10. The Appellate Authority directed the I party to reimburse the amount of Rs. 17,132.50 Ps. The I party workman reimbursed the amount. Taking into consideration that the I party workman reimbursed the amount, the Appellate Authority passed order as per Exs. M.15 and M.16 reinstating the I party, denoting him as clerk/typist in 'D' grade.

5. This Tribunal, after recording evidence adduced by the II party, has passed a considered order dt. 24-3-94 holding that the D.E. held against I party workman is fair and proper.

6. From the schedule to reference it is clear that this is not a case of dismissal or discharge to go into the question of adequacy of sentence. So the reference was posted for hearing on the perversity of the findings of the report submitted by the enquiry officer.

7. Ex. M.6 is the report containing finding of the E.O. M.W.I holding that the I party was guilty of the charge levelled against him.

8. The report Ex. M.6 runs into 7 pages. He has referred to the evidence of all the witnesses and the registers produced before him in the D.E. After referring to the evidence and documents, the E.O. has given a finding that the shortage of super fine rice was established and that the I party workman who was the head sectional clerk was responsible for the shortage. After carefully going through Ex. M.6, I do not find any perversity in the discussion made by the E.O. So I hold that the report of the finding is valid and proper.

9. Since I have come to the conclusion that the report of the finding is valid and proper the reference is rejected. Award passed as stated herein.

(Dictated to Stenographer, typed by him, corrected, signed by me on the 28th day of March, 1994.)

M. B. VISHWANATH, Presiding Officer
CGIT-LC, Bangalore.

नई दिल्ली, 13 मार्च 1994

का.आ. 1081 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में केन्द्रीय सरकार, उसे दिनांक 8-4-94 को प्राप्त स्टील अस्यारिटी आंप. इंडिया प्रबन्धन के संबंध में उनके कर्मकारों और नियोक्ताओं के बीच हुए औद्योगिक विवाद के संबंध में अनुबन्ध में यथोक्त केन्द्रीय सरकार औद्योगिक अधिकारण एवं न्यायालय संस्था एक के पंचाट को प्रकाशित करती है।

[सं. ए.ल-26012/1/91-आई.आर. (विविध)]

बी.एस.डैविड, ईम्पक अधिकारी

New Delhi, the 13th April, 1994

S.O. 1081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of STEEL AUTHORITY OF INDIA and their workmen, which was received by the Central Government on 8-4-94.

[No. L-26012/1/91-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 85 of 1991

Parties :

Employers in relation to the management of Steel Authority of India Limited in relation to the Kiriburu Iron Ore Mines.

AND
Their Workmen.

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers : Shri A. N. Choudhary, Law Officer.

For the Workmen : Shri K. K. Sinha, General Secretary, NMDC Mines Workers Union, Kiriburu.

STATE : Bihar. INDUSTRY : Iron Ore

Dated, the 24th March, 1994

AWARD

By Order No. L-26012/1/91-I.R. (Misc.) dated 16-9-1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Steel Authority of India Limited in relation to the Kiriburu Iron Ore Mines (R.M.D.) is not stepping up the pay of workman Shri Khageswar Mohato w.e.f. 3-5-1978 in the pay scale of Rs. 440-792 with reference to his juniors was justified? If not, to what relief the workman is entitled?"

2. On 19-3-1994, a petition dated 5-3-1993 filed by the concerned workman Khageswar Mohato was taken up for hearing. In that petition the concerned workman had stated that his pay fixation had been done by the management with effect from 1-7-1978 and that arrears of pay had also been paid to him by the management. The concerned workman further submitted that he has no grievance against the management and prayed to pass necessary order for closing this reference case.

3. Shri Choudhary appearing on behalf of the management submitted that now that the workman himself has no demand nor any grievance against the management, this reference case may be closed and necessary order in this regard may be passed.

4. On the other hand, Shri Sinha on behalf of the sponsoring Union submitted that since the dispute was sponsored by the Union, the workman, without the consent of the Union has no locus standi to pray for closure of the case either by a 'no dispute award' or otherwise. His grievance was that whereas the reference was about stepping up of the pay of the concerned workman with effect from 3-5-78, what the management had done was to step up his pay with effect from 1-7-78. He submitted that if in such case this reference matter is dropped then this may be cited as precedent in similar cases of other workmen, thereby prejudicing them.

5. The Tribunal pointed out that since the workman himself had no grievance on whose behalf in this particular case the sponsoring Union had been contesting the reference, and if in view of the satisfaction of the concerned workman a 'no dispute award' was rendered by the Tribunal then under law such an award, which had not decided any fact involved in the reference nor the law relating to the reference, it could not be cited as a precedent in any other case which may be of similar nature. When the Tribunal asked Shri Choudhary as to whether or not he agreed with the stipulation in law as cited by the Tribunal, Shri Choudhary agreed that that would be the position in law. In view of such position, Shri Sinha had no objection if a 'no dispute award' was rendered.

6. Therefore, in view of the prayer mentioned in the petition of the concerned workman aforesaid and with the consent of the sponsoring union it is hereby ordered that a 'no dispute award' be rendered. It is made clear that by rendering of such award the facts and law involved in this reference have not been shifted, nor decided.

7. Therefore, I pass a 'no dispute award' in the present case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 13 अप्रैल, 1994

का.आ. 1082—शास्त्रीय निवाद अधिकार, 1947 (1947 का 14) की धारा 17 के प्रत्यरूप में, केन्द्रीय सरकार द्वितीय चीफ कन्ट्रोलर, आयात व नियन्त्रित जयपुर के प्रबन्धन के मुद्रात्मक नियोजनों और उनके गतिकर्त्ता के बीच, अन्वन्त में निर्दिष्ट औद्योगिक विभाग में केन्द्रीय सरकार औद्योगिक नायाधिकरण जयपुर के प्रबन्धन को नियंत्रित करती है, जो केन्द्रीय सरकार का 11-4-94 का प्राप्त हुआ था।

[नं.एल/42012/2/87-डी II (बी)]
क.वी.दी. उपायी, डेस्क अधिकारी

New Delhi, the 13th April, 1994

S.O. 1082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dy. Chief Controller, Import and Export, Jaipur and their workmen, which was received by the Central Government on 11-4-94.

[No. L-42012/2/87-D.II(B)]
K. V. B. UNNY, Desk Officer

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 61/1991

रेफरेंस : भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश
क्रमांक एल-42012/2/87-डी-II (बी) दिनांक
25-10-91

श्री राजेन्द्र कुमार सेन पुत्र श्री रामपूर्ण निवासी
ग्रा.पो. चन्द्रलाल तहसील चाकसू जिला जयपुर।

—प्रार्थी

बनाम

दी चीफ कन्ट्रोलर आयात व नियन्त्रित, भारत सरकार
सिविल सप्लाई और कारपोरेशन मन्त्रालय, तीसरी
मंजिल उद्योग भवन, तिलक मार्ग, सी-स्कीम,
जयपुर।

—प्रार्थी

उपस्थित

प्रार्थी की ओर से :

प्रार्थी की ओर से :

दिनांक अवाहन :

श्री जे.के. श्रवणाल

श्री प्रवीण बलवदा

1-2-94

अवार्ड

कोन्च मरकार, श्रम गंतव्यात्मक, नहीं दिल्ली ने अपने उप-रोक्त श्रादेश के जरिये निम्न विवाद हस न्यायाधिकरण को बास्ते अधिनियम औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात् अधिनियम नम्बोधित किया है, की धारा 10 (1) (b) के अन्तर्गत प्रेषित किया है।

"Whether the action of the management of Dy. Chief Controller, Imports and Exports, Jaipur interminating the services of Shri Rajendra Kumar Jain w.e.f. 1-1-85 is justified? If not, to what relief he is entitled to?"

2. अधिक श्री राजेन्द्र कुमार सैन को विषयी संस्थान में प्रथम नियुक्ति दिनांक 5-6-84 को 11 सप्तप्रे प्रतिदिन बेतन पर दी गई थी तथा विषयी द्वारा उसकी सेवाएं 1-1-86 को समाप्त कर दी गई जिसे अनुचित व अवैध बताते हुए अधिक ने न्यायाधिकरण के समक्ष दावा 18-11-91 को प्रस्तुत कर यह अधिकथन किया कि विषयी ने उसकी सेवाएं अधिनक दिनांक 1-1-86 को विना किसी कारण के समाप्त कर दी। उसे सेवा मुक्त करने से पहले विषयी द्वारा न तो कोई नोटिस दिया गया न तो नोटिस के एवज में एक माह का बेतन और ना ही छांटनी मुश्वावजा दिया गया। विषयी ने कोई वरिष्ठता सूची भी नहीं निकाली जबकि प्रार्थी से कई कनिष्ठ विषयी के अधीन कार्यरत थे और प्रार्थी की सेवाएं समाप्त करने के पश्चात् भी विषयी ने नये व्यक्तियों को नियुक्ति दी किन्तु प्रार्थी अधिक को पुनः सेवा में लेने का अवसर नहीं दिया। इस प्रकार प्रार्थी ने औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ, जी व एच तथा औद्योगिक विवाद नियमावली के नियम 77 व 78 की अध्येत्सना करना बर्ताते हुए विषयी के इस कृत्य को अनुचित अथ नीति एवं विकिटमार्जिजेण्ट की संज्ञा देते हुए यह क्षेत्र संस्थित किया है।

3. अप्रार्थी नियोजक की ओर से बादोत्तर दिनांक 21-4-92 को प्रस्तुत कर यह अधिकथन किया गया है कि प्रार्थी को पूर्ण रूप से अस्थाई तौर पर दैनिक बेतन भोगी के रूप में रखा गया था और उसकी सेवाएं 1-1-86 को समाप्त करना भी स्वीकार किया गया है किन्तु विषयी का यह कथन है कि विषयी भारत सरकार के अधीनस्थ एक कार्यालय है जिसके अन्तर्गत भारत सरकार की नीति के अनुसार आयात नियात के लाइसेंस दिये जाते हैं जो और किसी निवी संस्था द्वारा नहीं दिये जा सकते। इस कार्यालय के समस्त कर्मचारी भारत सरकार के द्वारा निर्मित सेवा नियमों के अनुसार ही भर्ती किये जाते हैं। विषयी संस्थान अधिनियम 1947 के अन्तर्गत उद्योग की परिभाषा में नहीं आता है अतः यह सामला इस न्यायाधिकरण के क्षेत्राधिकार में नहीं आता है।

4. प्रार्थी राजेन्द्र कुमार सैन ने अपनी साध्य में मध्यम को परीक्षित किया है तथा प्रालेखीय समूत्र में तीन प्रलेख प्रक्षर्ण

बल्लू-1 नियुक्ति पद, दिनांक 5-6-84 से 21-12-85 तक काम करने का नाम पड़ा उल्लू-2 एवं पदर्षी उल्लू-3 विकल बार्टा प्रतिवेदन प्रवर्धित कराये हैं। विषयी ने अपने साध्य में श्री मुरेश कुमार औफिसर डचार्ज, उप सूच्य नियंत्रक आयात व नियति के बधान कराये हैं। तत्पश्चात् मैंने पक्षकारान के प्रतिनिधित्व भी बहुम विभारपूर्वक मुरी। पक्षावली पक्षावली पर उपलब्ध सामग्री एवं विधि के सुसंगत प्रावधानों का ध्यानपूर्वक परिशीलन किया।

5. पक्षकारान की साध्य का मूल्यांकन करने के पश्चात् यह एक निर्विवाद तथा सामने आया है कि प्रार्थी को विषयी संस्थान में प्रथम नियुक्ति दिनांक 5-6-84 को दैनिक बेतन भोगी कर्मचारी के रूप में दी गई थी। विषयी के साक्षी श्री मुरेश कुमार ने अपने प्रति परीक्षण में इस तथ्य को स्वीकार किया है कि प्रार्थी अधिक दिनांक 5-6-84 को 11 सप्तप्रे प्रतिदिन बेतन पर रखा गया था। यह भी निर्विवाद तथ्य है कि प्रार्थी की सेवाएं द्वारा 1-1-86 को समाप्त करते समय उसे कोई नोटिस, नोटिस पे एवं छांटनी मुश्वावजा नहीं दिया गया ना ही कोई वरिष्ठता सूची बनाई गई।

6. विषयी की मुख्य प्रतिरक्षा यह रही है कि विषयी संस्थान "उद्योग" नहीं है अतः अधिनियम 1947 के प्रावधान ग्राहकीय नहीं होते। विषयी के साक्षी श्री मुरेश कुमार का कथन है कि विषयी भारत सरकार के अधीनस्थ एक कार्यालय है जो भारत सरकार की नीति के अनुसार ही आयात व नियति के लाइसेंस जारी करता है जो कि किसी निवी संस्था द्वारा नहीं किये जा सकते।

7. प्रार्थी के विद्वान प्रतिनिधि श्री जे.को. अग्रवाल ने न्याय दृष्टान्त 1978 लैव.आई.सी. 467 (एस.सी.) वैग्लोर वाटर सप्लाई बनाम ए. राजपा तथा न्याय दृष्टान्त 1971 (II) एव.एल.जे. पेज 930 मैनेजमेंट एफ शी केडरेशन एफ इंडियन एन्ड एस. कार्पर एंड हस्टल्सी बनाम श्री आर.के. मित्तन पर भरेसा करते हुए यह बलील दी कि विषयी संस्थान "उद्योग" की परिभाषा में आता है।

8. विषयी के विद्वान प्रतिनिधि श्री बलवदा ने यह बलील दी कि विषयी भारत सरकार के अधीनस्थ एक कार्यालय है जो आयात व नियति के लाइसेंस जारी करता है जो किसी निवी संस्थान द्वारा नहीं किये जा सकते। यह भी बलील दी कि आयात नियति की नीति सोबरिन प्रकृति की है जिसे विषयी लागू करता है इस कारण विषयी संस्थान "उद्योग" की परिभाषा में नहीं आता। अपनी बलीलों के समर्थन में श्री बलवदा ने सी.ए.टी. जयपुर के मुकुदमा सं. बी.ए. नं. 212/92 निर्णय दिनांक 14-9-93 भीमसेन कथूरिया बनाम गृनियम एफ इंडिया पर भरोग किया जिसमें विषयी संस्थान को उद्योग नहीं माना जाकर श्रिगक का श्रावेदन पत्र खारिज किया गया है।

9. यह उच्चेक्षनीय है कि अधिनियम 1947 की धारा 2(जे) में "उद्योग" की परिभाषित किया है जौर इसके अनुसार केवल सरकार को ऐसी नियिविधियों जो सावरिन

कन्वेंशन्स यानि रीगल कन्वेंशन्स को परिधि में आती है उनको उद्योग की परिमापा ने नमिनित नहीं किया गया है। विधायी ज्ञानी श्री गुरेण कुमार, अप मुख्य विधिक (आयात व नियात) ने यह प्रकाशित किया है कि विधायी भारत सरकार के विधीनस्व नामिलिय हैं जो भारत सरकार की नीति अनुगार आयात व नियात के लाइसेंस जारी करता है जोकि किसी और निजी संस्थान द्वारा नहीं पिये जा सकते इस कारण विधायी संस्थान "उद्योग" वी परिमापा में नहीं आता है। इस साथी ने अपने प्रति परीक्षण में यह कथन किया है कि भारत सरकार की आयात व नियात की नीति सोबत्रिन प्रकृति की है उसे विधायी संस्थान लागू करता है जो संविधान के तहत भारत सरकार में ही निर्हित है। इस साथी ने यह भी कथन किया है कि सरकार जनहित में यह कार्य करती है और लाइसेंस जारी करने का मत्र प्रोसीजरल फीस वसूल की जाती है। प्रार्थी द्वारा विधा की इस साथ का खण्डन नहीं हुआ है। अतः भौती राय में विधायी संस्थान द्वारा सम्पन्न किया जाने वाला कार्य सोबत्रिन व रीगल कन्वेशन ऑफ दी स्टेट के अन्तर्गत ही आता है इसलिए विधायी संस्थान "उद्योग" की परिमापा में नहीं आता। प्रार्थी के विवाद प्रतिनिधि द्वारा प्रस्तुत व्याय शृण्णन लगायत मामले के तथ्यों और परिस्थितियों से भिन्न होने के कारण लागू नहीं होते। भारत सरकार की नीति के अनुसार विधायी संस्थान द्वारा आयात नियात के लाइसेंस जारी किये जाते हैं जो कार्य किसी निजी संस्था द्वारा नहीं किया जा सकता और भारत सरकार द्वारा जनहित में यह कार्य किया जाता है।

10. तथ्यों और विधि के उपरोक्त समस्त कारणों से इस निर्देश का अधिनिर्णय निम्न प्रकार विधा जाता है:

"विधायी संस्थान "उद्योग" की परिमापा में नहीं आने के कारण इस पर अधिनियम, 1947 के प्रावधान लागू नहीं होते हैं। रेफरेंस बैड-इन-लॉ होने के कारण वाले योग्य नहीं हैं। अतः अभिक श्री राजेन्द्र कुमार सेन किसी राहत की प्राप्त करने का अधिकारी नहीं है।"

11. अवार्ड जी प्रति भारत सरकार को प्रकाशनार्थ नियमानुसार भेजी जावे।

(शंकर लाल जैन)
पीठासीन अधिकारी
केन्द्रीय औद्योगिक व्यायाधिकरण, जयपुर।

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1083:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब उद्योगस्थ ऑफिसर (टेलीग्राफ) चुरू के प्रबन्ध-तंत्र के मंबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण जधुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 11-4-94 से प्राप्त हुआ था।

पं. एन-40011/25/88-डी-II (धी)
के.वी.वी. उण्णी, डैस्क अधिकारी

New Delhi, the 13th April, 1994

S.O. 1083.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer (Telegraph) Churu and their workmen, which was received by the Central Government on 11-4-94.

[No. L-40011/25/88-D.II(B)]

K. V. B. UNNY, Desk Officer

केन्द्रीय औद्योगिक व्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 115/89

रेफरेंस: केन्द्र सरकार, थम मंत्रालय, नई दिल्ली का आदेश क्रमांक एन-40011/25/08-डी-2 वी दिनांक 24-10-89

श्री हन्द्र चंद व अन्य, द्वारा प्रेसीडेंट चुरू विलायिक संघ, चुरू।

—प्रार्थी गण

बनाम

सब उद्योगस्थ ऑफिसर (टेलीग्राफ चुरू)

—प्रार्थी

उपस्थित

माननीय व्यायाधीश श्री शंकर लाल जैन, आर.एच.जे.एस प्रार्थी संघ की ओर से : श्री ज.एल. शाये अप्रार्थी की ओर से : कोई हाजिर नहीं दिनांक अवार्ड : 3-2-1994

अवार्ड

केन्द्र सरकार, थम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश के जरिये निम्न विवाद इस व्यायाधिकरण को वास्ते अधिनिर्णय औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात अधिनियम 1947 संबोधित किया है, की धारा 10 (1) (घ) के अन्तर्गत प्रेषित किया है :

"Whether the action of the SDO, Telegraphs, Churu in terminating the services of the 17 workmen (as per list) is justified? If not, to what relief the concerned workmen are entitled?"

2. प्रार्थी 17 अधिकारी की ओर से यह बाद दिनांक 28-11-89 को प्रस्तुत कर यह अधिकारी किया गया है कि उन्होंने अप्रार्थी नियोजक के अधीन एक कलेप्डर वर्षे में 240 दिन से अधिक कार्य किया था किन्तु नियोजक ने अधिनियम 1947 के प्रावधानों ही भवहेलना करते हुए कोई नोटिस के प्रकार में एक माह का बेतन प्रति छंटी

मुश्वाबजे के भुगतान किये बिना ही उनकी छंटनी कर दी जो अनफेयर लेवर प्रेक्षिट की कार्यवाही में आसी है। इस प्रकार प्रार्थीगण ने विपक्षी द्वारा अधिनियम की धारा 25-एफ, जी व एच की अवहेलना बताते हुए यह बाब संस्थित किया है जिसे उन्होंने अनुचित व अवैध घोषित करने की प्रार्थना की है।

3. अप्रार्थी नियोजक की ओर से बादोत्तर दिनांक 4-4-90 को प्रस्तुत करते हुए बाबीगण के बाद को अस्वीकार किया है और विपक्षी ने यह अभिकथन किया है कि प्रार्थीगण ने किसी भी क्लेण्डर वर्ष में 240 दिवस से अधिक कार्य नहीं किया था इस कारण अधिनियम 1947 की धारा 2(0) के अनुसार उसके इस कृत्य को छंटनी नहीं माना जा सकता और इस मामले में अधिनियम 1947 की धारा 25-एफ व जी. के प्रावधान आकपित नहीं होते और अभिकगण कोई नोटिस, नोटिस बेसन व छंटनी मुआवजा पाने के अधिकारी नहीं थे।

4. विपक्षी ने यह भी अभिकथन किया है कि प्रार्थी अभिकगण को जिन कार्यों के लिए रखा गया था उनके पूर्ण होने पर ही उन्हें हटाया गया है अतः विपक्षी को कार्यवाही अनफेयर लेवर प्रेक्षिट की कार्यवाही में नहीं आसी क्योंकि उनके स्थान पर नये अभिकों को नहीं रखा था।

5. यह उल्लेखनीय है कि साक्ष्य में प्रार्थीगण की ओर से 15 संबंधित अभिकगण के शपथ पत्र प्रस्तुत किये गये हैं, केवलमात्र वो अभिकगण श्री इकबाल हुसैन व श्री मंगल चन्द के शपथ पत्र शहादत में पेश नहीं हुए हैं। विपक्षी के विद्वान प्रतिनिधि ने प्रार्थी इन्द्रचंद के शपथ पत्र पर ही जिरह की है और ग्रन्थ प्रार्थीगण के शपथ पत्रों पर जिरह करना नहीं चाहा। प्रालेखी यह सबूत में तीन वरिष्ठता सूची क्रमांक: प्रदर्श उच्चल्यु-1, उच्चल्यु-2 व उच्चल्यु-3 को प्रदर्शित कराया गया है। प्रार्थीगण द्वारा यह विवाद सहायक अम श्रायुक्त (केन्द्रीय) अरजमेर के बहाँ उठाया गया था जिस संबंध में प्रसफल वार्ता प्रतिवेदन भी प्रस्तुत किया गया है। अप्रार्थी नियोजक ने अपनी साक्ष्य में श्री विजय सिंह भाटिया उप मण्डल अधिकारी, तार, चुह को पर्याकृत कराया गया है और प्रालेखीय सबूत में अभिकगण द्वारा किये गये कार्य की अवधि का व्यौरा प्रदर्श एम-1 लगायम एम-16 प्रस्तुत कर प्रदर्शित कराये गये हैं। प्रार्थी अभिक अंगल चन्द के कार्यदिवसों का कोई व्यौरा पेश नहीं हुआ है, शेष 16 अभिकगण का औरा प्रस्तुत किया गया है।

6. विपक्षी की ओर से प्रस्तुत किये गये प्रालेखिक सबूत प्रदर्श एम-1 से एम-16 में जो 16 अभिकगण के कार्य दिवसों का व्यौरा बताया गया है उसके अनुसार किसी भी बादी अभिक द्वारा एक क्लेण्डर वर्ष में 240 दिवस कार्य करना प्रमाणित नहीं होता है। ऐसी अवस्था में धारा 25-एफ अधिनियम 1947 के प्रावधान आकपित नहीं होते।

7. साक्ष्य का मूल्यांकन करने से यह प्रकट होता है कि यह एक निविदाद तथ्य है कि प्रालेखीय सबूत एम-1

के अनुसार अभिक इन्द्र चन्द ने कुल 433 दिवस, प्रदर्श एम-2 के अनुसार पुरखाराम ने कुल 239 दिवस, प्रदर्श एम-3 के अनुसार अभिक बनवारीलाल ने 286 दिवस, प्रदर्श एम-4 के अनुसार प्रार्थी अभिक सांवरमल ने 419 दिवस, प्रदर्श एम-5 के अनुसार प्रार्थी अभिक हाकिम अलो ने कुल 55 दिवस, प्रदर्श एम-6 के अनुसार प्रार्थी अभिक राम चन्द ने कुल 155 दिवस, प्रदर्श एम-7 के अनुसार प्रार्थी अभिक ओम प्रकाश ने 303 दिवस, प्रदर्श एम-8 के अनुसार प्रार्थी अभिक इकबाल हुसैन ने 275 दिवस, प्रदर्श एम-9 के अनुसार प्रार्थी अभिक महाबीर प्रसाद ने 186 दिवस, प्रदर्श एम-10 के अनुसार प्रार्थी अभिक बनवारी लाल ने 140 दिवस, प्रदर्श एम-11 के अनुसार प्रार्थी अभिक रामलाल ने 430 दिवस, प्रदर्श एम-12 के अनुसार प्रार्थी अभिक मुलेमान खान ने 577 दिवस, प्रदर्श एम-13 के अनुसार प्रार्थी अभिक भागीरथ मल ने 521 दिवस, प्रदर्श एम-14 के अनुसार प्रार्थी अभिक गणपतराम ने 140 दिवस, प्रदर्श एम-15 के अनुसार प्रार्थी अभिक गोविन्द राम ने 132 दिवस व प्रदर्श एम-16 के अनुसार प्रार्थी अभिक मोहर सिंह ने 196 दिवस तक विपक्षी के यहाँ दैनिक बैठन शोधी अभिक के रूप में मस्तग्रोन पर कार्य करना प्रमाणित हुआ है।

8. यह उल्लेखनीय है कि वरिष्ठता सूची प्रदर्श उच्चल्यु-2 व उच्चल्यु-3 में इन 17 बादी अभिकगण के नाम नहीं हैं इनमें से 15 अभिकगण के नाम ही वरिष्ठता सूची उच्चल्यु-1 में अंकित हैं जो क्रमांक 104 पर अभिक महाबीर प्रसाद क्रमांक 114 पर अभिक बनवारीलाल पुत्र कुशलराम क्रमांक 41 पर अभिक राम लाल, क्रमांक 30 पर प्रार्थी अभिक सुलेमान खान, क्रमांक 31 पर बादी अभिक भागीरथमल क्रमांक 106 पर प्रार्थी अभिक गणपतराम क्रमांक 97 पर प्रार्थी अभिक मोहरसिंह के नाम अंकित हैं। क्रमांक 55(ए) पर प्रार्थी अभिक उच्चल्यु-1, क्रमांक 72 पर अभिक पुरखाराम, क्रमांक 79 पर बनवारीलाल पुत्र पेमा राम, क्रमांक 49 पर अभिक सांवरमल, क्रमांक 134 पर अभिक रामचन्द्र, क्रमांक 61 पर प्रार्थी अभिक ओम प्रकाश, क्रमांक 76 पर इकबाल हुसैन के नाम अंकित हैं। इस प्रकार इस वरिष्ठता सूची में प्रदर्श उच्चल्यु-1 में प्रार्थी अभिक सर्वश्री मंगलचन्द व हाकिम अली के नाम नहीं हैं। यह वरिष्ठता सूची नियुक्ति तिथि के आधार पर नहीं बनाई जाकर कार्य दिवसों के आधार पर तैयार की गई है।

9. यह भी उल्लेखनीय है कि बादी प्रार्थीगण मंगलचन्द व हाकिम अली साक्ष्य में पेश नहीं हुए हैं और इस प्रकार इन्होंने दावे का समर्थन नहीं किया है।

10. जिन 15 बादी अभिकगण ने शपथ पत्र प्रस्तुत किये हैं उनमें से 7 अभिकगण सर्वश्री इन्द्रचंद, बनवारीलाल पुत्र पेमा राम सांवरमल, ओम प्रकाश, राम लाल मुलेमान खान व आगीरथमल यह प्रमाणित करने में गफल रहे हैं कि बादी इन्द्रचंद ने विपक्षी के यहाँ 433 दिवस, बनवारीलाल

पुत्र श्री भेमा राम ने विपक्षी के अधीन 286 दिवस, सांवरमल ने विपक्षी के अधीन 419 दिवस, ओम प्रकाश ने विपक्षी के अधीन 303 दिवस, राम लाल ने विपक्षी के अधीन 430 दिवस, सुलेमान खान ने विपक्षी के अधीन 577 दिवस, भागीरथ भल ने विपक्षी के अधीन 521 दिवस तक देनिक वेतन भोगी श्रमिक के रूप में कार्य किया था। उन्हें हटाते समय उनसे कनिष्ठ श्रमिकगण विपक्षी संस्थान में कार्यरत थे। विपक्षी को यह प्रति रक्षा प्रमाणित नहीं हुई है कि जब उक्त श्रमिकगण को हटाया गया तब काम समाप्त हो गया हो। विपक्षी संस्थान में कार्य चल रहा था और इन श्रमिकगण थों हटाने के बाद विपक्षी ने नये श्रमिकगण को भी नियुक्त किया है। विपक्षी के साक्षी श्री विजय सिंह भाटिया ने प्रति परीक्षण में इस तथ्य को स्वीकार किया है कि ये श्रमिकगण तार की लाइन डालने का कार्य करते थे जो कार्य अभी भी चल रहा है। शेष 10 श्रमिक अपना क्लेम प्रमाणित करने में सफल नहीं रहा है। इस साक्षी ने अपने प्रति परीक्षण में यह भी कथन किया है कि वरिष्ठता सूची नियुक्ति तिथि के आधार पर नहीं बनाई गई है। जिन अदिनों से 240 दिवस से अधिक कार्य किया था उनकी वरिष्ठता सूची बनाई गई है। वरिष्ठता सूची के आधार पर ये सातों श्रमिकगण नियुक्ति तिथि से वरिष्ठता मानने पर वरिष्ठ होते हैं और जब उनको सेवा से हटाया गया तब उनसे कनिष्ठ श्रमिक विपक्षी संस्थान में कार्य कर रहे थे। यह भी प्रमाणित है कि जब इन श्रमिकों को हटाया गया जब इन्हें कोई नोटिस, नोटिस के एवज में एक माह का वेतन एवं छंटनी का मुआवजा नहीं दिया गया और न ही नये श्रमिकों को लगाते समय इन श्रमिकों को नियोजन हेतु बुलाया गया। अतः विपक्षी द्वारा अधिनियम 1947 की धारा 25-एच व 25 जी की अवहेलना भी प्रमाणित है। मैं अपने इस निष्कर्ष के संबंध में न्याय दृष्टांत डब्ल्यू एल आर 1991 (एस) राजस्थान पेज 444, गणेश सेन बनाम यूनियन बैंक आफ इण्डिया व अन्य, 1990 (60) एस.एस.आर. 267, आर.सी.यादव बनाम आर.एस.आर.टी.सी. पर भरोसा करता हूँ।

11. तथ्यों और विधि के उपरोक्त समस्त कारणों से इस निवेदन का अधिनिर्णय निम्न प्रकार किया जाता है।

“एस.डी.ओ. टेलीग्राफ्स चुरु के प्रबन्धरतव द्वारा सर्वश्री इन्द्रचन्द्र, बनवारीलाल पुत्र भेमा राम, सांवरमल, ओम प्रकाश, रामलाल, सुलेमान खान व भागीरथभल की सेवाएं समाप्त करना उचित एवं वंधु नहीं है। इन सातों श्रमिकों को उनके पद पर नियोजित धोखित करते हुप पिछला वेतन व अन्य सभी लाभस्थ सेवा की निरन्तरता के दिलाये जाने हैं।”

11. उक्त आण्य का अवार्ड पारित किया जाता है जो केन्द्र सरकार को वास्ते प्रकाशन नियमानुसार भेजा जावे।

शंकरलाल जैन, पीठासीन अधिकारी

नई दिल्ली, 13 अप्रैल, 1994

का.प्रा. 1084.—अौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के ग्रन्तस्वरण में, केन्द्रीय नरकार उप मण्डल अधिकारी भार (चुरु) के प्रबन्धरत के सम्बन्ध नियोजनों और उनके कर्मकारों के बीच, अनुरूप में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण जयपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[(मं.एल-40012/50/89-आईआर(डीपू))
के.वी.बी. उण्णी, डैस्ट्रक्ट अधिकारी]

New Delhi, the 13th April, 1994

S.O. 1084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Manager (Telecom), Churu and their workmen, which was received by the Central Government on 11-4-94.

[No. 1-40012/50/89-IR(DU)]
K. V. B. UNNY, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. डी. आई. टी. 103/89

रेफरेंस: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक 40012/50/89 आई.आर. (डी.वी.) दिनांक 5-10-89

श्री बहादुर सिंह पुत्र श्री भोपाल सिंह जाति राजपूत निवासी गांव रायगढ़ीया तहसील व जिला चुरु
—प्रार्थी

वकाम

उप मण्डल अधिकारी (भार) चुरु

—प्रधार्थी

उपर्युक्त

माननीय न्यायाधीश श्री शंकरलाल जैन, आर.एच.जे.एस. प्रार्थी की ओर से: श्री जे.एल. शाह
अप्रार्थी की ओर से: अनुपस्थित

दिनांक/अवार्ड

2 फरवरी, 1994

अवार्ड

केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने उपरोक्त आदेश के जरिए निम्न विवाद उप न्यायाधिकरण को वास्ते अधिनियम औद्योगिक विवाद अधिनियम 1947, जिसे अत्यस्थ अधिनियम, 1947 संसदित किया है, की धारा 10(1)(घ) के अन्तर्गत प्रेसित किया है:

"Whether the action of the management of Sub-Divisional Officer (Telecom) Churu is justified in terminating the services of Shri Bahadur Singh w.e.f. 1-5-88 ? If not, to what relief the workman entitled."

2. प्रार्थी श्रमिक बहादुर सिंह ने दिनांक 28-11-89 को बाधा प्रस्तुत करते हुए वह प्रभिकथन किया कि उसने विपक्षी नियोजक के अधीन दिनांक 1-8-83 से 30-4-88 तक दैनिक बेतन भोगी श्रमिक के रूप में कार्य किया किन्तु विपक्षी ने मौखिक प्रादेश दिनांक 1-5-88 द्वारा उसकी सेवा बिना नोटिस, अवैध नोटिस बेतन एवं छांटनी मुआवजे की राशि दिए अवैध रूप से समाप्त कर दी। इस प्रकार विपक्षी ने धारा 25 एफ व 25 जी अधिनियम 1947 का उल्लंघन किया है।

3. अप्रार्थी वी और ने बादोत्तर दिनांक 4-4-90 को प्रस्तुत करे वार्षी के दोबे का इस आधार पर विरोध किया है कि वार्षी आकर्स्मिक श्रमिक को जिस कार्य के लिए भेजा गया था उस कार्य के पूर्ण होने पर उसे हटाया गया है।

4. गहायद प्रार्थी में प्रार्थी बहादुर सिंह ने स्वयं को परीक्षित कराया है और प्रालेखीय सबूत में दिनांक 1-2-88 को वरिष्ठता सूची प्रदर्श डब्ल्यू-1, एवं असफल बार्ता प्रतिवेदन प्रदर्श डब्ल्यू-2 को प्रदर्शित कराया गया है। विपक्षी की साक्ष्य में थीं बी. बी. पाठक उपमण्डल अधिकारी (तार) चुह को परीक्षित कराया गया है एवं प्रालेखीय सबूत में प्रदर्श एम-1 को प्रदर्शित कराया गया है जिसमें श्रमिक द्वारा 1-8-83 से 23-4-88 तक की अवधि में कुल 365 दिवस कार्य करना वर्णिया गया है। मैंने वहम सुमी पत्रावली का अध्यसोकन किया।

5. पक्षकारान् की ओर से प्रस्तुत की गई साक्ष्य का मूल्यांकन करते के पश्चात् मैं इस निष्कर्ष पर पहुंचा हूं कि प्रार्थी श्रमिक ने विपक्षी के अधीन दैनिक बेतन भोगी श्रमिक के रूप में 1-8-83 से 30-4-88 तक को अवधि में कुल 365 दिवस कार्य किया और विपक्षी ने उसे मौखिक आदेश द्वारा 1-5-88 को हटा दिया। प्रार्थी श्रमिक को नियोजित करते समय न तो कोई नियक्ति पद दिया और न ही हटाते समय कोई आदेश जारी किया गया। यह उल्लेखनीय है कि विपक्षी के साक्षी श्री बी. बी. पाठक ने अपने प्रति परीक्षण में यह स्वीकार किया है कि प्रार्थी श्रमिक को आकर्स्मिक श्रमिक के रूप में रखा गया था। उमेर यह मालम नहीं कि मई 1988 में कौन सी लाईन का काम बंद हुआ था। जबकि श्रमिक ने अपने कथनों से यह प्रमाणित किया है कि उसे लाईन के काम के लिए रखा गया था और जब उमेर हटाया गया तब भी लाईन का काम चल रहा था। उसने यह भी प्रमाणित किया है कि उसको हटाने के बाद विपक्षी ने नए श्रमिकों को रखा था। इस प्रकार प्रार्थी नहीं प्रमाणित करने में पूर्णतः सफल रहा है कि विपक्षी ने उसे बिना किसी

समुचित आधार के काम होते हुए भी, बिना कोई नोटिस, नोटिस बेतन व छांटनी मुआवजा दिए अनुचित व अवैध तरीके से हटा दिया और विपक्षी ने उसके रवान पर नए श्रमिकों को भी रखा तब भी प्रार्थी श्रमिक को सेवा में रखने का माना नहीं दिया गया। प्रार्थी द्वारा प्रस्तुत की गई वरिष्ठता सूची प्रदर्श डब्ल्यू-1 से भी यह प्रमाणित है कि यह वरिष्ठता सूची नियुक्त तारीख के आधार पर नहीं बनाई जाकर श्रमिकों ने जितने दिवस कार्य किया था उसको दृष्टिगत रखते हुए बनाई गई है और इस वरिष्ठता सूची क्रमांक 74 पर प्रार्थी श्रमिक बहादुर सिंह का नाम अंकित है और उसे अगस्त 1983 में नियुक्त करना बताते हुए उसके द्वारा 231 दिवस कार्य करना दिखाया गया है। जबकि विपक्षी द्वारा प्रस्तुत प्रदर्श एम-1 श्रमिक द्वारा कुल 367 दिवस कार्य करना बताया गया है। इस प्रकार वरिष्ठता सूची में कार्य दिवसों की गणना सही नहीं की गई है और वरिष्ठता सूची ग्राहु ग्राहक होती है।

यह उल्लेखनीय है कि श्रमिक ने ए. एल. सी (केन्द्रीय) के समक्ष जब यह विवाद उठाया था तब विपक्षी की यह प्रति रक्ता थी कि श्रमिक को डायरेक्टोरेट एंफ टेलीकॉम नई विल्सों पर इस कारण हटाया गया कि उसने 31-3-85 तक 240 दिवस कार्य नहीं किया था। जबकि विपक्षी के मार्की ने इस तथ्य को स्वीकार किया है कि 1-5-88 के बाद उन्हीं श्रमिकों को यापस लिया गया था जिन्होंने 240 दिवस कार्य किया था यह उसे विपक्षी द्वारा नियोजित नहीं किया जाना अनुचित एवं अवैध है। अगर विपक्षी का यह आधार सही मान भी लिया जाए तो प्रार्थी श्रमिक ने 1-5-88 तक 240 दिवस कार्य कर लिया था। जब प्रार्थी श्रमिक को हटाया गया तो उसके स्थान पर श्रमिक बड़ी प्रसाद को विपक्षी ने नियुक्त किया था उस समय विपक्षी के यहां लाईन का कार्य चल रहा था। प्रार्थी को हटाने से पूर्व कोई नोटिस, नोटिस बेतन एवं छांटनी मुआवजा नहीं दिया गया अतः धारा 25 एफ, जी व एफ की अवहेलना विपक्षी द्वारा किया जाना प्रमाणित है। विपक्षी को यह प्रतिरक्षा प्रमाणित नहीं हुई है कि कार्य रामाप्त होने से श्रमिक को हटाया गया हो। इस कारण विपक्षी द्वारा प्रार्थी को सेवामुक्त किया जाना अनुचित एवं अवैध है। मैं अपने इस निष्कर्ष के संबंध में न्याय दृष्टान्त 1992 (1) डब्ल्यू. एल. सी. (राज) ओरीयेन्टेड बैंक आफ कामसे बनाम प्रसाइटिंग आफीसर सी. जी. आई. टी. पर भरोसा करता हूं प्रार्थी अपनी सेवा मक्ति की तारीख से ही बरोजगार बठा है भी प्रमाणित हुआ है।

7. तथ्यों और विधि के उपरोक्त समस्त कारणों से इस निदेश का अधिनियम निम्न प्रकार किया जाता है:

डिवाजनल आफीसर (टेलीकॉम) जल्द के ग्रांथनंत्र द्वारा उनके श्रमिक श्री बहादुरसिंह को सेवाएं दिनांक 1-5-88

से समाप्त जिया जाना उचित एवं अवैध नहीं है। अधिकारी को उसके पद पर नियोजित वौयित विया जाना है। उसे उसके पद का समस्त वाकाया वेतन एवं अन्य सभी लाभमय सेवा की भिरतता के लिए जाते हैं। नियोजक को आदेश है प्रार्थी को उसका समस्त वाकाया वेतन व अन्य राशि नियमानुसार अंदर तीन माह अदा करे अन्यथा 12 प्रतिशत वापिक दर से ब्याज भी देय होगा।

8. अवार्ड की प्रति भारत सरकार को प्रकाशनार्थ नियमानुसार भेजी जाए।

शंकर लाल जैन, पीठासीन, प्रधिकारी

नई दिल्ली, 13 अप्रैल, 1994

का. ना. 1085.—प्रौद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसारण में केन्द्रीय सरकार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 11-4-94 को प्राप्त हुआ था।

[स.एल.-40012/30/88-डी-2(बी)]

के.वी.वी. उण्णी, डैस्क अधिकारी

New Delhi, the 13th April, 1994

S.O. 1085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Postal Dep'tt. Jaipur, Post Master General, Rajasthan and their workmen, which was received by the Central Government on 11-4-94.

[No. L-40012/30/88-D.2(B)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 55/1989

रैफरैन्स : केन्द्र सरकार श्रम मंत्रालय, नई दिल्ली का आदेश अम्लांक एल. 40012/30/88-डी-2(बी) दिनांक 24-4-89

श्री नन्द खान, मेल पीओन द्वारा श्री वी.एम. बागड़ा चॉपोल वाजार जयपुर।

—प्रार्थी

बनाम

मैनेजरेंट आफ पोस्टल डिपार्टमेंट जयपुर।

पोस्ट मास्टर जनरल राजस्थान, जयपुर।

—प्रार्थी

उपस्थिति

माननीय न्यायाधीश श्री शंकर लाल जैन श्राव.एस.जे.एस.

प्रार्थी की ओर से :

श्री वी.एस बागड़ा

प्रार्थी की ओर से :

श्री डी.एन. शर्मा

दिनांक अवार्ड :

2 अप्रैल, 1994

अवार्ड

केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने ग्रप्तने उपरोक्त आदेश द्वारा निम्न विवाद इस न्यायाधिकरण को वास्ते अधिनियम औद्योगिक विवाद अधिनियम 1947 जिसे अधिनियम 1947 कहा जायेगा, का धारा 10(1)(ब) के अनुरूप अवार्ड प्रेषित किया है :

“Whether the action of the management of Postal Department, Jaipur is justified in terminating the services of Shri Nathu Khan, Male Peon w.e.f. 6-2-69 without paying him retrenchment compensation when he completed more than one year of service? If not, to what relief is the workman entitled?”

2. अभिक श्री नन्द खान, मेल पीओन को विपक्षी डाक तार विभाग, नागीर द्वारा दिनांक 6-2-69 को मेंशा मुक्त करने के संबंध में दावा दिनांक 30-6-89 को प्रस्तुत कर यह अभिकथन किया गया है कि उसे अप्रार्थी नियोजक ने दिनांक 7-1-67 को दैनिक वेतन भोगी के रूप में नियुक्ति दी थी। उसके बाद उसे मेल पीओन के पद पर 12-12-67 को नियूबन किया गया इसके बाद प्रार्थी का पदस्थापन बालोतरा किया गया जिसके लिए 3-1-68 को उसे रिसीव किया गया और फिर प्रार्थी का पदस्थापन 14-2-68 को लोटा खाटू में काग दरने के लिए किया गया किन्तु दिनांक 14-12-68 को मिथ्या शिकायत के आधार पर उसके विरुद्ध मुकदमा दर्ज कराया गया। इस संबंध में विपक्षी ने न तो कोई आरोप पक्ष दिया था और न ही कोई आंच कराई थी और प्रार्थी अभिक नन्द खान को अवैध व अनुचित तरीके से 6-2-69 को सेवा से पृथक कर दिया।

3. प्रार्थी ने यह अभिकथन किया है कि उसे फौजदारी प्रकरण सं. 21/69 में 20-1-83 को न्यायिक मजिस्ट्रेट-प्रथम डीच्छाना द्वारा दोषमुक्त कर दिया गया। इस पर प्रार्थी नियोजक के पास उन आदेश लेकर द्यूटी जोहन करने के लिए गया किन्तु इस पर विपक्षी ने कोई ध्यान नहीं दिया। इस पर प्रार्थी ने अप्रार्थी पोस्ट मास्टर जनरल, जयपुर के यहां अपील भी की जो 17-12-84 को खारिज कर दी गई। प्रार्थी ने विवश होकर यह मामला 12-10-87 को सहायक श्रम आयुक्त (केन्द्रीय) के ममक उठाया किन्तु वार्ता असफल रही जिसका असफल वार्ता प्रतिवेदन जारी कर दिया गया। प्रार्थी अभिक ने अप्रार्थी के कृत्य को अवैध व अनुचित - भूताते

हुए वह अनिकथन किया है कि प्रार्थी ने धारा 25-एक, जी व एच अधिनियम, 1947 के प्रावधानों की अवहेलना की है क्योंकि श्रमिक ने अप्रार्थी के यहां 7-1-67 से 6-2-69 तक नियन्त्रकार्य किया था और उसने एक कलैण्डर वर्ष में 240 दिन से अधिक कार्य किया था फिर भी सेवा भुक्ति में पूर्व उसे एक माह का नोटिस अवश्य नोटिस वेतन एवं छंटनी मुआवजा नहीं दिया और ना ही कोई आरोप पत्र देकर जांच कराई। उसे हठाते समय कोई वरिष्ठता सूची भी नहीं बनाई गई। श्रमिक को हटाने के बाद नयी नियुक्ति भी अप्रार्थी ने की है जब प्रार्थी श्रमिक का नाम कन्सीडर नहीं किया।

4. अप्रार्थी नियोजक की ओर से धारोत्तर दिनांक 28-6-91 का प्रस्तुत कर प्रार्थी श्रमिक के दावे का विरोध इस आधार पर किया गया है कि इस मामले में औद्योगिक विवाद अधिनियम, 1947 के प्रावधान लागू नहीं होते क्योंकि प्रार्थी "श्रमिक" की परिभाषा में नहीं आता और केन्द्र सरकार द्वारा अपने कर्मचारियों के सिवा संबंधी विवादों के निपटारे के लिए केन्द्रीय सेवा प्राधिकरण बनाया दृश्या है इस कारण इस न्यायाधिकरण को इस मामले में क्षेत्राधिकार प्राप्त नहीं है।

5. प्रार्थी नस्थ खां ने साक्ष्य में स्वयं के बयान कराये हैं तथा 9 प्रालेखीय सबूत प्रदर्श डब्ल्यू-1 लगायत डब्ल्यू-9 प्रदर्शित कराये हैं जिनका विवेचन साक्ष्य के मूल्यांकन के समय यथास्थान किया जायेगा। अप्रार्थी की ओर से साक्ष्य में श्री भैरु लाल बर्मा अधीक्षक डाक मण्डल नामीर, परीक्षित किया गया है। तत्पश्चात् मैंने पक्षकारों के विद्वान प्रतिनिधिगण की बहुत किस्तारपूर्वक मुनों पत्रावसी व पत्रावसी पर उपनव्य साक्ष्य एवं सम्मिली तथा विधि के सुंगत प्रावधानों का ध्यानपूर्वक परिशीलन किया।

6. प्रार्थी के विद्वान प्रतिनिधि ने अपनी कलीलों के समर्थन में निम्न न्याय दृष्टान्तों का आश्रय दिया:

- आर.एल.आर. 1987 (2) पेज 696 प्रैमरन्ड बनाम यूनियन आफ इंडिया व अन्य।
- आर.एल.आर. 1987 (1) पेज 318 प्रिजेन्ट्र सिह बनाम प्रशासक सीकर केन्द्रीय बैंक लि।
- आर.एल.आर. 1990 (1) पेज 407 अब्दुल जहां खां बनाम जनरल मैनेजर आर.एम.आर.टी.सी.व अन्य।

7. अप्रार्थी के विद्वान श्री डी.एन.शर्मा ने यह प्रबल खलील दी के प्रार्थी दैनिक वेतन भोगी श्रमिक नहीं था उसे नियमित किया जा चुका था ऐसी अवस्था में "श्रमिक" को परिभाषा में प्रार्थी नहीं आता और यह मामला इस न्यायाधिकरण के क्षेत्राधिकार का नहीं होकर केन्द्रीय सेवा प्राधिकरण के क्षेत्राधिकार का है।

8. परमारों द्वारा प्रस्तुत साक्ष्य का मूल्यांकन करने के पश्चात् मैं इस निष्कर्ष पर पहुंचा हूं कि प्रथम नियुक्ति

दिनांक 7-1-67 की दैनिक वेतन भोगी कर्मचारी के लाए में विपक्षी द्वारा की गई थी, तत्पश्चात् उसे भेज पीओन के पद पर दिनांक 12-12-67 को प्रदर्श डब्ल्यू-1 आदेश दिनांक 21-12-67 द्वारा नियुक्त किया जाकर उसका परस्पराग बालोतरा किया गया। प्रार्थी को प्रदर्श डब्ल्यू-2 आदेश द्वारा 3-1-68 कार्यमुक्त किया। तत्पश्चात् प्रार्थी को विपक्षी ने प्रदर्श डब्ल्यू-3 आदेश द्वारा 6-2-69 को मेवा मुक्त कर दिया। प्रार्थी ने यह प्रमाणित किया कि उसे कोई आरोप पत्र नहीं दिया गया और न ही कोई जोब कराई गई थी ना ही उसे कोई नोटिस, नोटिस में एवं छंटनी का मुआवजा दिया गया था। अप्रार्थी ने साक्षी श्री भैरु लाल बर्मा के इस तथ्य को स्वीकार किया है कि प्रार्थी ने विपक्षी के अधीत्त 16-2-68 से 6-2-69 तक लगानार कार्य किया था। डब्ल्यू से पूर्व उसे 7-1-67 को दैनिक वेतन भोगी के स्पष्ट में नियुक्त किया गया था। उसने यह भी स्वीकार किया है कि प्रार्थी को जब सेवा मुक्त किया तो छंटनी मता नहीं दिया था। इस साक्षी ने प्रार्थी के विरुद्ध घसावे गये फौजदारी प्रकरण के संबंध में अनभिज्ञता जाहिर की है जब कि प्रार्थी ने यह प्रमाणित किया है कि उसके द्वितीय अप्रार्थी ने धारा 52 भारतीय डाक अधिनियम के अन्तर्गत फौजदारी मुकदमा चलाया था उसमें दिनांक 20-1-83 की न्यायिक यजिस्ट्रेट डांडवाना द्वारा उसे दोष मुक्त कर दिया गया था उसके बाद उसने विपक्षी के यहा प्रार्थना पत्र प्रस्तुत कर डब्ल्यू-6 पर लेने हेतु प्रदर्श डब्ल्यू-6 द्वारा अनुरोध किया था। प्रार्थी ने प्रार्थना पत्र पर विचार नहीं किया गया और उसकी अपील प्रदर्श डब्ल्यू-5 आदेश द्वारा यारिज कर दी गई। प्रार्थी ने प्रदर्श डब्ल्यू-7 द्वारा यह मामला सहायक श्रम आयुक्त केन्द्रीय के समक्ष उठाया था। विपक्षी द्वारा प्रदर्श डब्ल्यू-8 जवाब प्रस्तुत किया गया था जिसमें यह स्वीकार किया गया है कि प्रार्थी ने 6-1-67 से 6-2-69 तक कार्य किया है और उसे 6-2-69 को सेवा पृथक किया गया। अमरकृष्ण वार्ता प्रतिवेदन प्रदर्श डब्ल्यू-9 है।

9. अप्रार्थी के विद्वान प्रतिनिधि वो यह दलील नीकार किये जाने यात्यन्त नहीं है कि यह मामला सी.ए.टी. के क्षेत्राधिकार का है और औद्योगिक न्यायाधिकरण के क्षेत्राधिकार का नहीं है क्योंकि प्रार्थी श्रमिक की नियुक्ति चतुर्थ शेषी कर्मचारी के स्पष्ट में विपक्षी तारा की गई थी जो भेरी राय में नियमित भी हो तो कार्य को देखते हुए प्रार्थी श्रमिक की ही परिभाषा में आमा है और यह एक औद्योगिक विवाद है जो केन्द्र सरकार द्वारा रेफर किया गया है अतः औद्योगिक न्यायाधिकरण का पूरा शेत्राधिकार है कि मामले की सुनवाई का निषेध है। सी.ए.टी. का गठन वर्ष 1985 के बाद हुआ है जबकि यह मामला सी.ए.टी. के गठन के पूर्व का है।

10. नस्थों और विधि के उपरोक्त विवेचन में स्पष्ट है कि प्रार्थी श्रमिक नस्थ खां की सेवा भुक्ति के समय उसे कोई नोटिस, नोटिस के एवं छंटनी का गुआवजा नहीं दिया था जबकि श्रमिक अप्रार्थी के यहां एक कलैण्डर वर्ष में

240 विवाद की सेवा पूरी कर चुका था। इस प्रकार अप्रार्थी ने अधिनियम, 1947 की धारा 25-एफ के प्रावधानों का उल्लंघन किया है यह प्रमाणित हुआ है श्रमिक की छंटनी से पूर्व कोई वरिष्ठता सूची नहीं बनाई और नये श्रमिकों को नियुक्ति देने समय श्रमियों के नाम पर विचार नहीं किया गया: 25-जी व एच अधिनियम, 1947 की भी अव-हेलना अप्रार्थी द्वारा किया जाना प्रमाणित है। ग्रतः अप्रार्थी द्वारा पारित आदेश दिनांक 6-2-69 अनुचित व अवैध होने से अपास्त किया जाता है और इस निर्देश का अधिनियम इस प्रकार किया जाता है:

पोस्ट मार्टर जनरल, जयपुर द्वारा श्रमिक श्री नस्तु खां की सेवा मुक्ति दिनांक 6-2-69 को किया जाना उचित एवं वैध नहीं है। उसे सेवा में नियोजित घोषित करते हुए पिछला समस्त योग्य एवं अन्य सभी लाभ मय सेवा को निरन्तरता के दिलाये जाते हैं।

11. उपरोक्त आशय का अवार्ड पारित किया जाता है जो राज्य सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

शंकर लाल जैन, न्यायाधीश

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1086:—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेलीकाम डिस्ट्रीक मैनेजर राजामुन्द्री के प्रबन्धतत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-4-94 को प्राप्त हुआ था।

[सं. एल.—40012/46/92—आई आर (डी यू)]

के. वी. वी. उण्णी, डैस्क अधिकारी

New Delhi, the 13th April, 1994

S.O. 1086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Andhra Pradesh, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Telecom District Manager, Rajamundry and their workmen, which was received by the Central Government on 12-4-1994.

[No. L-40012/46/92-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.I., Industrial Tribunal-I.
Dated, the 15th day of March, 1994

Industrial Dispute No. 17 of 1993

BETWEEN

Sri P. N.Jagannathan, S/o Pydi Raju.

23-28 Lavvudi Street, Sajur-532591,
Visianaparampudur Dist. A.P.
972 GI|94-9

—Petitioner

AND

The Telecom District Manager,

Rajamundry-533150, E.G. Dist. AP —Respondent

APPEARANCES :

Sri C. Suryanarayana and Y. Bhaskar, Advocates—for the Petitioner.

Sri P. Damodar Reddy, Advocate—for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/46/92-IR (DU), dated 22-3-1993 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the management of Telecom District Manager, Rajamundry and their workmen to this Tribunal for adjudication :

“Whether the action of the Telecom Distt. Manager, Telecom Department, Rajamundry in terminating the services of Sri P. N. Jagannadham, Ex-Short Duty Telephone Operator, is justified? If not, what relief he is entitled to?”

This references was registered as Industrial Dispute No. 17 of 1993 and notices were issued to both the parties.

2. A notice was issued to the Petitioner-Workman to file their claim statement on or before 1-5-1993 but no claim statement was filed by the workman till 25-2-1994. After giving sufficient adjournments as the Petitioner-workman did not prefer to file their claim statement till date, I find that the Petitioner-workman concerned is not interested in contesting the case for best reasons known to himself and no representation was made. Hence the reference is terminated after giving full and fair opportunity to the workman concerned.

Award passed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 15th day of March, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I
Appendix of Evidence

NIL

नई दिल्ली, 13 अप्रैल, 1994

का. आ. 1087:—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ऐरिया मैनेजर (साउथ) मद्रास डेलीफोन के प्रबन्धतत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में श्रीद्योगिक अधिकरण तामिलनाडु (मद्रास) के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-4-94 को प्राप्त हुआ था।

[संख्या एल—40012/108/88-डी. II (बी)]

के. वी. वी. उण्णी, डैस्क अधिकारी

New Delhi, the 13th April, 1994

S.O. 1087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu (Madras) as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of The Area Manager (South), Madras Telephone and their workmen, which was received by the Central Government on 12-4-94.

[No. L-40012/108/88-D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Tuesday, the 25th day of January, 1994

PRESENT :

THIRU K. SAMPATH KUMARAN, B.A., B.L.,
Industrial Tribunal.

Industrial Dispute No. 81/1989

Industrial Dispute No. 81/1989

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Telephones, Madras).

BETWEEN :

Shri B. Anthony,
S/o. Shri B. Joseph,
No. 11, Dwaraka Nagar,
Llyods Road,
Madras-600 005.

AND

The Area Manager (South),
Madras Telephones,
146, Greams Road,
Madras-600 006.

REFERENCE :

Order No. L-40012/108/88-D.II(B), dated 7-8-1989,
Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on the 25th day of October, 1993 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru K. Jayaraman, Advocate for the Workman and of Thiru S. Seshadri Central Government Pleader appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for the adjudication of the following dispute :

"Whether the Management of Madras Telephones is justified in terminating the services of Shri B. Anthony, Casual Labour, with effect from 22-12-87 ? If not, to what relief the workman concerned is entitled ?"

2. The Petitioner filed the following Claim Statement.—The petitioner was appointed as a worker to do all the labour work (Sanitary works) on 2-11-84 and was paid Rs. 500 per month. The petitioner had been discharging his duties sincerely and diligently to the satisfaction of his superiors. The petitioner had been continuously working for more than 3 years under the respondent. When the petitioner came for work on 21-12-87, in the morning, he was informed by the Assistant Engineer orally that the petitioner was terminated from service. The petitioner was neither given any reason nor issued with any notice or memo prior to termination. The respondent's activities are violation of Section 25-F of the Industrial Disputes Act. The petitioner approached the respondent in person many times and requested for work with all benefits, which was not complied with. In his letter dated 3-2-88, the petitioner requested the respondent to give him work with all legal monetary benefits. The management replied on 17-3-88 with unreasonable and untenable grounds. Then, the petitioner issued a notice through his advocate on 29-4-88 and requested the respondent to give employment with attendant benefits. But there was no reply. The petitioner raised an Industrial Dispute under Section 2-A of the Industrial Disputes Act before the Assistant Labour Commissioner, Madras on 25-5-88. The respondent filed

a counter with untenable and baseless grounds. The petitioner filed a suitable rejoinder. Conciliation proceedings failed.

3. The termination of the petitioner from service is unjustified, illegal, and contrary to the principles of natural justice. The oral termination is illegal and unjustified. The respondent did not comply with the provisions of Section 25-F of the Industrial Disputes Act. The respondent failed to consider the good past record of the petitioner before terminating his services. Therefore, an award may be passed holding that the non-employment of the petitioner is not justified and directing the respondent to reinstate the petitioner with continuity of service, full wages and other attendant benefits.

4. The respondent filed the following counter.—The petitioner was employed as a casual labourer by the respondent's department at New Anna Road, Commercial Unit from November, 1984 to December, 1987. On 21-12-87, the petitioner was stopped from service because of his refusal to work, in-subordination, using abusive language, poor eye sight and habit of stealing. The petitioner was black listed earlier. No domestic enquiry was conducted since the petitioner was only a casual labourer. The petitioner never discharged his duties to the satisfaction of his superiors. There is no justification in the claim for reinstatement. Therefore, the petition may be dismissed.

5. The issues that arise for consideration in this Industrial Dispute are :

1. Whether the petitioner had worked with the respondent for more than 3 years from 2-11-84 ?
2. Whether the termination of the service of the petitioner is not just and proper ?
3. Whether the petitioner is entitled to reinstatement with all attendant benefits ?

6. Issues 1 to 3.—Admittedly, the petitioner worked from November, 1984 to 21-12-87 for 1014 days continuously. MWS 1 & 2 who are both Assistant Engineers of the respondent admitted in their evidence that the petitioner had worked for 1014 days continuously from 1984 to 1987. It is also admitted by MWS 1 that the petitioner was appointed only through the employment exchange. Though the petitioner was working as a casual labourer, it is evident that he has been working for more than 240 days prior to his termination on 21-12-87. The oral termination of the service of the petitioner without any enquiry whatsoever is unjust, illegal and improper. Not even a memo has been produced in this Tribunal as having been issued to the petitioner for any of the alleged misconducts. It is also evident that the petitioner has not been given any notice before termination and he has also not been paid any compensation before the termination. Even though the petitioner was only a casual labourer inasmuch as he has worked for more than 240 days, he has to be considered as a workman and consequently his retrenchment without any enquiry and without any notice or compensation will be illegal in view of Section 25-F of the Industrial Disputes Act. As per Clause 10 of the V Schedule to the Industrial Disputes Act, (which enumerates the unfair labour practice on the part of the employers) it is clear that "to employ workmen as "badlis", casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen will be an unfair labour practice." It has been held in H. R. GURJAR VS. STATE OF RAJASTHAN [1993 (66) FLR p 345] that persons employed on clerical work on daily wages will be workman within the meaning of Section 2(s) of the Industrial Disputes Act. It was also held that the persons who had worked for more than 240 days in one year preceding the date of retrenchment though there were artificial breaks, would be illegal for not complying with Section 25-F of the Industrial Disputes Act. It was held that they are entitled to reinstatement with full wages. The learned counsel for the petitioner also relied upon the decision of the Hon'ble Supreme Court in THE GENERAL SECRETARY, B.S.R.T.C., PATNA VS. PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

& OTHERS (1988 II-LLJ p 109). That was a case where number of persons were working as casual workers in the Bihar State Road Transport Corporation for long number of years. On a reference, the Tribunal directed that only those employees who had been regularly employed and who have completed 240 days of continuous satisfactory service were eligible for regularisation. This order was challenged. It was held by the Supreme Court, that the State Road Transport Corporation should prepare a reasonable scheme for regularisation of casual labourers working for more than one year, within 8 months and they should be paid salary and allowances at the rates equal to minimum pay in the pay scale of regularly employed persons in the corresponding cadres from a particular date, and it was also held that having regard to the fact that large number of persons were working for years ranging from 8 to 12 years, the question whether they were initially appointed regularly or irregularly becomes immaterial for regularisation of their services.

7. In the present case, we find that petitioner was employed through the employment exchange but had been kept only as a casual labour for 1014 days before his retrenchment. Such termination of service without enquiry, without notice and without retrenchment compensation is certainly illegal and unjust.

8. The respondent has given the reasons for termination in paragraph 4 of its counter. The respondent has stated that on 21-12-87, the petitioner was stopped from his service because of his refusal to work, insubordination, using abusive language, poor eye-sight and habit of stealing. MW2 stated in the evidence as if the petitioner himself did not come for work and that he also did not take him for the job. But, the specific case of the petitioner in his claim statement is that on 21-12-87 when he went to work, he was orally informed by the Assistant Engineer that he was terminated from service, and that his repeated requests did not bear any fruit. In the counter also it has been stated that he was stopped from service on 21-12-87 for certain alleged misconducts. The petitioner as WW1 has also stated in his evidence on 21-12-87, he went to work and was not given work. He also stated that he approached MW2 several times and requested to give work. MW2 also admitted in his evidence in cross examination that the petitioner approached him for job several times on and after 21-12-87. Therefore, the evidence of MW2 as if the petitioner himself did not come for work or abandoned work cannot be accepted. A suggestion was also put to the petitioner (WW1) by the respondent that he himself abandoned the work and that he was not stopped from work, and that was denied by the petitioner. In view of what I have stated above it is clear that this attempt on the part of the respondent to state that the petitioner abandoned the service cannot at all be true. There is no order of termination in writing. Admittedly, it was an oral order. As pointed out already, not even a memo was issued to him before stopping him from service. Admittedly, no enquiry was conducted. The reason given for not conducting the enquiry before terminating his service is that he was only a casual labourer, which cannot at all be accepted in view of the fact that the petitioner had worked for more than 240 days continuously. Keeping him as a casual labourer for years without regularising his services is an unfair labour practice, as per Schedule V of the Industrial Disputes Act.

9. Even if we examine the reasons given for termination of the service of the petitioner, we find that they have not been proved at all. Of course, the petitioner admits that his eye sight is poor but he says that he is wearing spectacles. There is nothing to show that his eye sight is so bad as to not to engage him in the scavenging work for which he was employed. The other reasons given viz., that he is guilty of insubordination, that he did not do the works given to him, that he had the habit of stealing, that he was warned some times and he had given letters apologising for his misconduct are all not supported by any legal evidence. Though MWs 1 and 2 spoke about these misconducts, MW1 admitted that he does not know them personally. MW2 stated that he will not do the work properly, and will refuse to do the work, and that he had obtained letters expressing regret, but no such letter has been produced. MW2 accepted that he has

not given any memo to the petitioner for not doing work properly. Though, he had stated that he had reported to the Deputy Area Manager, about the misconduct of the petitioner, no such letter has been produced. He stated that the Deputy Area Manager black-listed the petitioner, but no such communication has been produced. He stated that even the employees Union complained against the petitioner but that letter has also not been produced. He also stated that the co-workers had complained against the petitioner, which complaint has also not been produced. There is no document whatsoever to show that the petitioner is guilty of any of the misconducts as alleged above. The petitioner had given a letter, Ex. W-1 to the Deputy Regional Director of the Management mentioning that he was terminated from service on 21-12-87 suddenly without even a memo, and requesting that he may be reinstated. The respondent has sent a reply under Ex. W-2 merely stating that his request cannot be complied with. None of the misconducts now attributed to the petitioner in the counter of the respondent and by MWs 1 and 2 has been mentioned in Ex. W-2. The petitioner then issued a notice through his lawyer (Ex. W-3) for which there was no reply at all from the respondent. It is only after the petitioner started proceedings under Section 2 A of the Industrial Disputes Act, before the Regional Labour Commissioner that the respondent started making allegations against the petitioner. If really, the misconducts attributed to the petitioner are true, the respondent would not have kept quite without mentioning them either in Ex. W-2 or without even replying to the lawyer's notice. (Ex. W-3).

10. Therefore, taking into consideration all these facts, I find that the respondent has not even attempted to prove the misconducts attributed to the petitioner, and has also not proved them. Therefore, the reasons for terminating the services of the petitioner cannot be accepted. The petitioner is entitled to be reinstated to service with back wages and other attendant benefits from 21-12-1987.

11. In the result, an award is passed holding that the termination of the services of the petitioner B. Anthony, Casual Labour with effect from 21-12-87 is not justified. The respondent is directed to reinstate him into service with back wages and other attendant benefits, from that date. No costs.

Dated, this the 25th day of January, 1994

THIRU K. SAMPATH KUMARAN, Industrial Tribunal
WITNESSES EXAMINED

For Workmen :

W.W.1.—Thiru B. Anthony (Petitioner-workman).

For Management :

M.W.1.—Thiru C. Viswanathan.

M.W.2.—Thiru C. Chinrasamy.

DOCUMENTS MARKED

For Workmen :

Ex. W-1|3-2-88.—Letter from Petitioner-workman Thiru B. Anthony, to the Management praying to reinstate him to service.

Ex. W-2|17-3-88.—Reply by Management to Ex. W-1 (copy).

Ex. W-3|29-4-88.—Lawyer's notice issued to the Management by the petitioner-workman (copy).

Ex. W-4| —Xerox copy of postal acknowledgement for Ex. W-3 by the Management.

Ex. W-5|25-5-88.—Petitioner under Section 2-A of the Industrial Disputes Act, filed by the Petitioner-workman before the Regional Labour Commissioner, Madras (copy).

Ex. W-6|16-6-88.—Reply by the Management to the Assistant Labour Commissioner (Central) Madras (copy).

Ex. W-7/5-10-88.—Rejoinder filed by the Petitioner-workman before the Assistant Labour Commissioner (Central), Madras (copy).

Ex. W-8/13-10-88.—Counter filed by the Management before the Regional Commissioner, Madras (copy).

Ex. W-9.—Conciliation failure report (copy).

Ex. W10.—Statement showing number of days worked by the petitioner-working during the year 1984, 1985, 1986 and 1987.

For Management.—Nil.

नई दिल्ली, 15 अप्रैल, 1994

का. प्रा. 1088 :—श्रीद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैसर्स ईस्टन कोलफील्ड्स लि. की खुदिया कोलियरी के प्रबन्धसंबंध के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-4-94 को प्राप्त हुआ था।

[संख्या एल—20012/93/90—श्राई आर (कोल-1)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 15th April, 1994

S.O. 1088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employees in relation to the management of Khudia Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on 13-4-1994.

[No. L-20012/93/90-IR (Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947
Reference No. 27 of 1991

PARTIES :

Employers in relation to the management of Khudia Colliery of M/s. E.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri D. Mukherjee, Secretary, B.C.K. Union.

STATE : Bihar INDUSTRY : Coal
Dated, the 31st March, 1994

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/93/90-IR (Coal-I) dated, the Nil.

SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union (CITU) for promotion of Shri A. K. Bhattacharjee to the post of Auto Fitter is justified ? If so, to what relief the workman is entitled to ?”

2. This reference is pending since January, 1991. Shri R. S. Murthy Advocate appeared for the employers and Shri D. Mukherjee appeared for the workmen. As per terms of the reference the demand of Bihar Colliery Kamgar Union for promotion of Shri A. K. Bhattacharjee to the post of Auto Fitter was in issue. Lastly on 1-11-93 Shri R. S. Murthy filed an application dated 1-11-93 that the workman/union have taken no steps in the matter although about two years time have elapsed. He has prayed for passing a ‘No dispute’ Award. In the circumstances of the case ‘No dispute’ Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 15 अप्रैल, 1994

का.आ. 1089 —श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत पैट्रोलियम कार्पोरेशन लिमि. के प्रबन्धसंबंध के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में श्रीद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार की 13-4-94 को प्राप्त हुआ था।

[संख्या एल—30012/35/91—श्राई आर (विविध)/श्राई आर (कोल—1)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 15th April, 1994

S.O. 1089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 13-4-1994.

[No. L-30012/35/91-IR (Misc.)/IR (Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.T., B.I.L., Industrial Tribunal I.
Dated, the 15th day of March, 1994
Industrial Dispute No. 6 of 1992

BETWEEN

P. Niranjan

—Petitioner

AND

The General Manager,
Bharat Petroleum Corporation
Limited, Madras

—Respondent.

APPEARANCES :

S/Sri A. K. Jayaprakash Rao, V. N. Goud and K.
Srinivasa Rao, Advocates—for the Petitioner.

S/Sri G. S. R. Anjancyulu and C. P. Srinivasa Sastry,
Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-30012/35/91-IR (Misc.) dated 4-2-1992 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in

relation to the management of Bharat Petroleum Corporation Limited and their workmen to this Tribunal for adjudication :

"Whether the action on the part of the Management of Bharat Petroleum Corporation Ltd. in awarding a capital punishment like dismissal to Sri P. Nirajan, Ex-General workman with effect from 16-11-1990 is justified. If not, what relief the workman is entitled to?"

This reference was registered as Industrial Dispute No. 6 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the workmen is read as follows :

The Petitioner submits that he has joined the services of the Respondent Corporation as General Workman on 1-12-1981, he was illegally dismissed from service by the Respondent by an order dated 15-11-1990. The Petitioner submits while imposing the maximum punishment of dismissal from service, the Respondent has failed to take into consideration the past conduct of the petitioner and the quantum of punishment to be imposed on the petitioner but imposed the maximum punishment of dismissal from service. The punishment of dismissal imposed by the Respondent is also shockingly disproportionate with the gravity of the charges alleged to have been proved against him. While he was working as a General workman at the office of the Respondent branch office at Warangal he was issued with a chargesheet dated 22-9-1989 alleging that the petitioner has removed 10 litres of motor spirit. That he was forced to submit his explanation to the charge sheet as per the version of the management officials. The Respondent ordered for an enquiry into the charges levelled against the petitioner. The petitioner has not committed any misconduct nor he has removed any motor spirit as alleged in the charge sheet. The petitioner further submits that the allegation that he has removed 10 litres of motor spirit from TLFG and concealed the same in gunny cloth under the seat of HPCL-Tank lorry No. A.P. 5677 is absolutely false and baseless. The petitioner submits that he is not aware as to who has kept the said can there and what it was containing. He was falsely implicated on mere suspicion. The petitioner submits that he was not furnished with the statements recorded in the enquiry along with the enquiry officer's report and thereby the petitioner was denied of reasonable opportunity. The petitioner therefore submits the orders of dismissal passed by the Respondent as illegal and in violations of principles of natural justice. The petitioner submits as per the aforesaid Standing Orders Clauses, it is mandatory on the part of the Respondent that in awarding then punishment the authority shall take into account the gravity of the misconduct and the previous records, but the Respondent failed to do so. The petitioner therefore prays that this Hon'ble Court may be pleased to set aside the orders of dismissal dated 15-11-1990 passed by the Respondent and grant him the relief of reinstatement into service, with continuity of service, full back wages and all other attendant benefits.

3. The brief facts of the counter filed by the Respondent Corporation read as follows :—

Petitioner Sri P. Nirajan was appointed as a General workman on 1-12-1981 at the Warangal Depot. He was charge sheeted by charge sheet dated 22-9-1989 for the misconduct of theft, fraud and dishonesty in connection with the Corporations property and acts subversive of discipline and good behaviour, in that on 17-6-1989 when he was assigned the duties of General workman at the Tank lorry filling gantry in the Warangal Depot, at about 10 A.M. he had removed approximately 10 litres of Motor spirit from the Tank Lorry filling gantry, filled it in a can and concealed the same, wrapped in a gunny cloth under the seat of the Tank lorry APO 5677, which was scheduled to leave to deliver a load of 12 K.L. diesel to two dealers at Karimnagar. He gave a reply dated 30-9-1989 stating

that he had borrowed heavily for his sister's marriage. In other words he admitted his guilt. The misconduct alleged against him and allegation in the charge sheet were proved in the properly constituted domestic enquiry. Petitioner would found guilty of very serious misconducts proved in a properly constituted domestic enquiry and he is not entitled to reinstatement with or without back-wages or to any other relief. It is humbly prayed that the Hon'ble Tribunal may be pleased to pass an answer upholding the dismissal of Sri P. Nirajan and he is not entitled to any relief.

4. The point for adjudication is whether the action of the Respondent in awarding capital punishment like dismissal to Sri P. Nirajan w.e.f. 16-11-1990 is justified or not ?

5. WW-1 was examined on behalf of the Petitioner workman and no documents were marked. MW-1 to MW-7 were examined on behalf of the Respondent and marked Exs. M-1 to M-16.

6. WW-1 is P. Nirajan. In brief he deposed that he joined in the Respondent Corporation on 1-12-1981 as General Workman. He was not served with any memo or charge sheet before receiving the orders of termination. On 17-6-1989 his duties are sealing the tankers and after 450 he used to gauge the tanker. He has not kept any plastic can in Driver's cabin. He did not commit any theft so called petrol. The Management did not produce any can and at the time the management did not show any petrol to him. He has no connection with the tanker after sealing the same when it was filled up. He prays the Hon'ble Court to reinstate him into service with all other attendant benefits.

7. MW-2 is A. Kalyan. He deposed in brief that he was working as Senior Operations Officer incharge of Warangal Depot from May 1989 to August 1990. The petitioner was working as General workman Warangal Depot. On 17-6-1989 the petitioner was assigned the duties at Gantry i.e. where the lorry tankers are filled and unloading with petrol. On that day i.e. on 17-6-1989 at about 10 A.M. watch and ward L. Yadav Reddy informed him that the petitioner filled 10 litres plastic can with petrol and after wrapping in it a gunny bag placed it under the driver's seat of the tanker lorry AP 5677 belongs to Hindustan Petroleum, due to leave the delivery of the product to dealers. After Yadav Reddy informed him he proceeded to see and found that the tanker reached the gate and he stopped the lorry and made a check and found a plastic can consisting of 10 litres of petrol wrapped in a gunny bag under Driver's seat. He asked the driver of the lorry Ram Reddy about the can. He said that he was not aware of the can kept under his seat. He obtained statements from D. Yadav Reddy and Mr. P. Balu. Ex. M-1 is the statement of L. Yadav Reddy. He asked the petitioner if he had removed the petrol in a can first he did not accept. When he told that the witnesses are there, he finally accepted his guilt in the presence of these persons and asked for a lenient view of the matter. He did not sign in acknowledgement saying that he has any way admitted the guilt. He gave an explanation in Telugu to the charge sheet admitting the guilt.

8. MW-3 is J. Durgaprasad Rao. He deposed that in June 1989 he was on relief duty at Warangal duty. My duties are to receive loads indents from the dealers planning for the loads delivery looking after the despatches of the products from the Gantry and checking the delivery dips of the product. At that time they have 20 tank lorries at Warangal Depot including transport contractors. He knows the petitioner who was the general workman in Warangal Division. On 17-6-1989 10 minutes before 10 O'clock he checked the dept of the tank lorry APO 5677 and asked Nirajan to take out the tank lorry and sealed it with seals. At that time Nirajan, Panduranga Rao, Mr. Yadav Reddy, Watch and Ward Clerk Mr. Balu HPC Cleaner and Mr. Rami Reddy. Casual Driver employed on HPC Tanker were there, and a plastic can containing about 10 litres of petrol wrapped in gunny bag. Then Nirajan initially did not agree. After he agreed that he has committed theft and to take a lenient view, in this matter. He signed Ex. M-5 note. During the course of enquiry he gave evidence.

9. MW-4 is G. V. Panduranga Rao. He deposed he knows Sri P. Nirajan, the petitioner. On 17-6-1989 between 10 and 11 A.M. Mr. Kalyan Called him into his room. Yadav Reddy, Balu, Ram Reddy and Durga Prasad were

there. Niranjan was also there. Kalyan asked Niranjan about the theft of petrol. He accepted the theft. He signed on Ex. M-5. Then he left.

10. MW-5 is Lingala Yadav Reddy. He deposed that he knows P. Niranjan. He was on first shift from 6 A.M. to 2 P.M. on 17-6-1989. He saw Niranjan extracting 10 litres of petrol in can and keeping it under the driver's seat of Tank Lorry No. APO 5677. Immediately he went and reported the matter to Mr. Kalyan. Meanwhile the lorry tanker was taken out for sealing. Mr. Kalyan checked the vehicle and found a petrol tank containing petrol in the lorry. He asked him to put the petrol tank in his room. Later on in his room Kalyan asked P. Niranjan whether he committed the theft of petrol. First he did not accept but after a little while he admitted the guilty having done the theft. Ex. M-1 is the statement recorded by him.

11. MW-6 and MW-7 corroborated the evidence given by MW-2 to MW-5.

12. Before going into the merits of the case, this Tribunal passed an Order dated 6th August 1993 on the validity of the domestic enquiry conducted by the Respondent Management. This Tribunal held that the domestic enquiry conducted in the present case is vitiated.

13. Now the dispute is that the Petitioner was issued with a charge sheet dated 22-8-1989 alleging that the Petitioner has removed 10 litres of Motor spirit on 17-6-1989 when he was assigned the duties of General workman at the Tank Lorry filling gantry in the Warangal Depot at about 10.00 A.M. filled it in a can and concealed the same, wrapped in a gunny cloth under the seat of the Tank Lorry APO 5677 which was scheduled to leave to deliver a load of 12 KL diesel to two dealers at Karimnagar.

14. It is the case of the Respondent Management that the Petitioner-workman admitted theft of 10 litres of petrol which kept in can under the seat of the Driver. There is an evidence to that effect from the Respondent's witness in cross examination wherein he stated that lorry was carrying diesel when once the lorry was carrying diesel the question of committing theft of petrol of 10 litres does not arise. MW-3 Kalyan questioned Niranjan relating to theft of 10 litres of petrol from the Depot and trying it to take out of the depot by keeping under the Driver's seat. Thereafter he agreed the commission of theft as seen in Ex. M-5 note. As a matter of fact there is no admitted fact that Niranjan has kept the 10 litres of petrol under the seat of the Driver and there is no document where the Petitioner-workman has admitted and put his signature on any statement that he had agreed that he committed the theft of petrol. It is pertinent to note that there is no signature of the Petitioner-workman on Ex. M-5 that he has admitted of committing the theft of petrol. I am of the clear view that the Petitioner-workman has not committed any theft of petrol as alleged. It is also seen that if ever any workmen committed the theft of petrol, the guilty must be given lesser punishment such as stoppage of increment, or any other lesser punishment. The theft of 10 litres of petrol is quite disproportionate to the gravity of the punishment i.e. dismissal from service. On a consideration of the facts and circumstances, I am of the clear view that the punishment of dismissal from service is shockingly disproportionate to the gravity of the misconduct committed by the Petitioner-workman.

15. In the result, I find that the action of the Management of Bharat Petroleum Corporation Limited in awarding a capital punishment like dismissal of Sri P. Niranjan, Ex-General workmen with effect from 16-11-1990 is not justified. The Petitioner-workman Sri P. Niranjan is entitled for reinstatement with effect from 16-11-1990 with full back wages and continuity of service together with all attendant benefits. The Respondent Management is directed to reinstate the petitioner workman forthwith and to pay back wages and continuity of service and all protection of service condition.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 15th day of March, 1994.

Y, VENKATACHALAM, Industrial Tribunal—I
Appendix of Evidence (After P.P.)

Witnesses Examined

for Management :

(MW-1 before P.P.)
MW-2—A. Kalyan
MW-3—J. Durga Prasad Rao
MW-4—G. V. Pandu Ranga Rao
MW-5—Lingala Yadav Reddy
MW-6—P. Balu
MW-7—Ch. Ram Reddy

Witnesses Examined

for Workmen :

WW-1—P. Niranjan

Documents marked for the Respondent/Management

(After Preliminary Point)

Ex. M-1—Statement of Sri L. Yadav Reddy.
Ex. M-2—Statement True translation of Ex. M-1.
Ex. M-3—Statement of Sri P. Balu.
Ex. M-4—Translation copy of Ex. M-3.
Ex. M-5—Note file with regard to Sri P. Niranjan prepared by MW-1.
Ex. M-6—Letter from SROO Warangal Depot to Sr. DVM SDO Secunderabad to initiate action against Sri P. Niranjan.
Ex. M-7—Charge sheet issued to the Petitioner Workman.
Ex. M-8—Letter by way of explanation given by the Petitioner.
Ex. M-9/18-12-86—Letter cautioning the petitioner for in subordination.
Ex. M-10—Order deducting petitioner wages for a day.
Ex. M-11/8-5-89—Suspensiong the petitioner for 15 days.
Ex. M-12/14-11-90—Dismissal Order.
Ex. M-13—Letter addressed to the Petition by the Senior Divisional Manager, Secunderabad.
Ex. M-14/19-11-90—Postal Receipt.
Ex. M-15—Record Delivery Book.
Ex. M-16/15-11-90—Order of dismissal passed by the Chief Personal Manager.

Documents marked on behalf of Petitioner/Workman

NIL

नई दिल्ली, 15 अप्रैल, 1994

का. आ. 1090 :—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी. सी. एल. का राजपा कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनंत्रिय में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-4-94 को प्राप्त हआ था।

[संख्या एल-20012/34/88-डी-4(प.)/आईआर(कोल-1)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 15th April, 1994

S.O. 1090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal (No. I), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Rajrappa Project of M/s. C.C.L. and their workmen, which was received by the Central Government on 13-4-94.

(No. L-20012/34/88-D.IV(A)/IR(Coal-I))

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)

(2-A) of the Industrial Disputes Act, 1947.

Reference No. 47 of 1989

PARTIES :

Employers in relation to the management of Rajrappa Project of M/S. Central Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Shri R. K. Sinha, Presiding Officer.

APPEARANCES :

Shri R. S. Murthy, Advocate.

Shri J. P. Singh, Advocate

For the Workmen :

For the Employers :

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 6th April, 1994

AWARD

By Order No. L-20012/34/88-D.4(A), dated the 5th May, 1989, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10, of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Rajrappa Project of Central Coalfields Ltd. in not appointing Shri Kaleshwar Singh, Armed Guard, and Shri Nicodin Dhan, Security Guard, as Auto Drivers, even after selection to the post, is justified? If not, to what relief are the workmen entitled?"

2. The only grievance of the sponsoring Union is that the two concerned workmen, who belonged to Security Force of the Company, were allowed to apply and appear in the test for the job of Auto Drivers in which they completed and were in the merit list still the management did not appoint them on the sole ground that they had not received clearance from the Chief Security Officer of the Company for changing their cadre. In its written statement the sponsoring Union also has claimed that Kaleshwar Singh, one of the concerned work-

men was even issued with a charge-sheet subsequently only in order to coerce the workman against any move on their part to agitate their non-appointment as Auto Drivers, but this is a point alien to the reference in hand. Hence this point need not be considered in this reference.

3. The management in its written statement has argued some technical points as to how personnel of Security Department could not claim appointment or promotion in other cadre, but such technical points are also not to be considered in this reference because, admittedly the management had accepted the application of the concerned workmen for the aforesaid post, had selected them and, admittedly, had written letter to the Chief Security Officer of the Company for changing their discipline. Therefore, now the management cannot be heard to say that the concerned workmen were not at all entitled to change their discipline.

4. In its written statement it is admitted that early in 1985 Rajrappa Project announced vacancies for vehicle drivers and invited applications from the employees with requisite qualification. Since the concerned workmen had valid licence they applied for the post. But this selection was subject to the permission to be given by the Security Department.

5. Accordingly to this written statement, the candidates were to be selected for the post of trainee drivers and were required to undergo training for one year in the post of driver and, on successful training, their cases were to be considered for appointment to the post of Motor Vehicle Driver.

6. It is admitted that selection of these workmen were made in May, 1985 alongwith others. Some other selected workmen were posted as trainee drivers but not these two for want of approval of the Chief Security Officer. But when the approval of the Chief Security Officer was ultimately received there was no more requirement of any trainee drivers to be employed as Motor Vehicle Drivers, hence these two workmen were not put on training.

7. It has further been stated that there was no guarantee that a trainee driver would be absorbed as regular Motor Vehicle Driver.

8. It has been mentioned that reference is also bad because the management did not make any selection for the post of Auto Driver, but for the post of trainee driver.

9. According to the management, under such circumstance non-appointment of these two workmen as Auto Drivers was fully justified.

10. For answering the reference I will discuss a point or two raised by the management. From the exhibits on the record, such as Ext. M-2, it will appear that the selection was made by a Committee of officers for placing the candidates as Driver trainees. From Ext. M-4 it will appear that some of driver trainees, on completion of their training were placed as Drivers, Category-V. Therefore obviously the candidates including the workmen were being selected for training as drivers and on successful

completion of the training were to be placed as Drivers, whereas the reference mentions the posts, for which the concerned workmen were selected, to be that of Auto-Drivers.

11. But one mistake of incorrectly mentioning the post, in my opinion, will not vitiate the reference. The aim of the selection obviously was the final placement of successful candidates to the posts of driver. When both sides have not been misled by this mistake which reasonably can be referred to be as a clerical mistake, and when the management has treated this reference as relating to the selection of the concerned workman to the post of trainee driver, no prejudice has been caused to the management for this mistake, if at all this can be treated to be a mistake.

12. In this regard Ext. M-2 may be seen, which is the selection list prepared by the Standing Committee consisting of four senior officers in which these two workmen were also selected, which mentions that the selection was made for putting those selected employees as "driver trainee". This shows that selection was obviously for the post of driver, who were to undergo training first.

13. Therefore, I do not hold that there is any force in this objection by the management.

14. Besides Ext. M-2 and Ext. M-3 (part) reveal the grading of the candidates including the two concerned workmen. They were placed in the following categories —

'Satisfactory, good and very good.'

Out of 29 candidates mentioned on this page only 5 were placed in the category of 'very good' which includes the concerned two workmen also. Obviously their performance was found to be amongst top five candidates. No doubt, in Ext. M-2 their names are placed at Serial Nos. 18 and 19 and above them there are names of those candidates also who were placed in inferior categories. Ext M-2/1 appears to be the order of the higher authority over Ext. M-2 which also states that the persons found 'satisfactory' were to be omitted. This also ordered for obtaining approval of the Headquarters for two categories of selected candidates.

15. Ext. M-6 is a letter dated 7/10-6-85 addressed to the Chief Security Officer, M/s. C.C. Ltd., Ranchi from the General Manager of Rajrappa Area stating therein that four security personals including these two, had applied for the post of driver and that their suitability for the post was examined and they were found fit. Through this letter their cases were referred for consideration and approval if they could be absorbed in general cadre by changing their discipline as per rules. It was mentioned that on receipt of the approval further action would be taken.

16. Ext. M-7 is reply of the Dy. Chief Security Officer to the General Manager of Rajrappa Area, dated 6/7-2-86 conveying the approval of the Chief Security Officer in respect of change of cadre of those security personals, including the two concerned workmen.

17. There are other documents also including ones filed on behalf of the workman, such as Ext. W-3 to show that other workmen of the Security Force had been allowed to change their cadre and were posted on the new post after obtaining release order from the Security department.

18. From the documents I have discussed the following facts emerge :—

- (i) The concerned workmen were employees of the same company and had applied for a post in another cadre in the same company.
- (ii) Their applications were duly entertained they were put to test by the High Power Standing Committee in which their performance was 'very good' on the basis of which they were selected for the post applied for.
- (iii) Because of inter-departmental procedure, before they could be placed in the new post the approval of Controlling Officer of their department was a necessary formality.
- (iv) That the General Manager of Rajrappa Project sought the approval of the Chief Security Officer by his letter dated 7/10-6-85.
- (v) That the Chief Security Officer took his own time and gave the approval through his letter dated 6/7-2-86, i.e. after lapse of about eight months.
- (vi) That in the meantime the management filled the posts for which these two workmen were selected, by other candidates without awaiting the approval from the Chief Security Officer,

Here it may also be mentioned that the management has brought nothing on the record to show that after posting the letter Ext. M-6, the management at Rajrappa Project had taken up any follow up action for getting the approval of the Chief Security Officer expedited.

19. Another fact that emerges from the aforesaid proved facts that it was none of the fault of these two workmen that they were not placed in the posts applied to for which they were selected on their merits. The reason advanced by the learned counsel for the management that the management was not bound to wait indefinite for the approval of the Chief Security Officer does not hold good because the Chief Security Officer was not an outside officer but belonged to the same Organisation. It was not the fault of the workmen, but red-tape of Company's different departments for which these two workmen are being asked to suffer. The management at Rajrappa Project could have shown its bona-fide had it been placed before the Tribunal that after sending their letter dated 7/10-6-85, the General Manager or any of his concerned officer had ever pursued the matter with their counterpart in the Security Department for expediting the approval. Obviously till 6/7-2-86 the Security Department was not aware that the service of these two workmen

was no longer required for training as drivers when on that day they gave their approval for the change in cadre (Ext. M-7). This also shows that so far Security Department was concerned the letter of the General Manager of Rajrappa Area in Ext. M-6 was still valid. There is nothing to show that the management at Rajrappa Area had ever withdrawn this letter Ext. M-6.

20. Once it is held that the concerned workmen were deprived of a post for which they were duly selected on merits for the fault of the management but for no fault on their own, it must be held, therefore, that the action of the management of Rajrappa Project in not appointing these two workmen as driver on training even after selection to that post was not justified.

21. Shri Murthy, trying another route, has argued that since the post meant for these two workmen was filled up under the circumstances, and since there was no vacancy in that post, the management cannot be directed to post these two workmen to the post of driver for training and for this he has relied on some decisions.

22. Placing decision reported in 1990 Lab. I. C. 1662 (Satyanarayan Sharma and others vs. N.M.D.C. and others) it has been pointed out that their Lordships of Hon'ble Supreme Court had held that in view of the fact that there was no vacancy in particular work available in the establishment for absorption of the petitioner, the question of directing their absorption and regularisation did not arise. In that case it was found that the petitioners were continued on their rolls on humanitarian ground for several years even though there was no work for them, who were daily rated workmen.

23. But the facts in this case are different. There admittedly were vacancies for driver trainees at the time the concerned workmen were tested and selected for the aforesaid post. It is not a case that there was no such vacancy. This reference relates to non-appointment of the workmen even after selection to the post when there was vacancy.

24. In another decision, relied upon by the management, reported in 1990 Lab. I.C. 1936 (Catering Cleaners of Southern Railway Vs. Chief Commercial Superintendent, Southern Railway) their Lordship of Supreme Court had observed that the question of making a particular employee permanent would arise only after a permanent post had become available. In that case the petitioners had been absorbed and made departmental employees but were given temporary status. Obviously the ratio of this decision is not applicable to the facts of the present case where the vacancies were available.

25. Referring to a decision reported in 1960(II) LLJ (S.C.) at page 71 [Between Jhagrakhand Colliery (P) Ltd. and another AND Central Government Industrial Tribunal, Dhanbad and others] the learned lawyer has submitted that as per this decision it would not be fair to give an award with retrospective effect even prior to the date of demand raised by the workmen. Obviously the ratio of this case is not applicable in the context of the reference made by the Central Govt.

26. Shri Murthy, learned counsel for the management has also relied upon another decision reported in 1984 (II) LLJ. 223(SC) (between Reserve Bank of India, Bombay AND C.T. Dighe and others). The learned counsel has argued that the workmen could have complained if they were denied a right to be so appointed, rather than just a chance to be so appointed. Improving on the point Shri Murthy has argued that the workmen were selected only for the post of driver trainee and could have been appointed to that post only after they were found fit after completion of training. Therefore, it was just a chance for them to be appointed to the post of Auto Drivers.

27. In course of argument Shri Murthy also had argued, as was the case of the management, that the workmen could not have been so appointed, and that a change in their cadre could have been made with the approval of the Chief Security Officer. Now these two submissions are self-contradictory. If it was to be treated mere a chance to be appointed as Auto Driver, then there was no question of any change in the cadre, hence at that stage there was no need of taking approval of the Chief Security Officer. The argument of the management is that approval had to be taken because this amounted to change in cadre. The mere fact that approval of the Chief Security Officer was sought for change in the cadre shows that it was not exactly merely a chance to be appointed on another post. Ext. W-1 supports that approval was sought for their absorption in general cadre by changing their discipline. If such appointment is to be treated a mere chance then the management cannot be heard to argue that since approval for change in cadre was necessary, these two workmen were bypassed and because there was delay in the receipt of approval the vacancies were filled up by other candidates.

28. Coming to the argument of Shri Murthy that these two workmen cannot be ordered to be posted as Drivers trainee because there is no vacancy, I am afraid that the management has laid no ground for making this submission. Ext. W-1 was written seeking approval in June 1985. After the dispute was referred to this Tribunal, the management had filed its written statement on 24-7-90. All that this written statement states in this connection is that by the time approval of the Chief Security Officer was received there was no requirement of any more trainee driver, hence the workmen could not be put to training.

29. Even agreeing, for argument sake, that no order for such appointment can be given in absence of the vacancy, the management has brought nothing on the record that after February 1986, when the approval of the Chief Security Officer was sent, there had been no further vacancy in the discipline of driver trainee. The written statement of the management speaks of no such vacancy being available by the time this approval was received, but nothing has been specifically said of the period thereafter. No evidence has been laid in this case to show that ever since there had been no such vacancy. If this was the position the management was required to prove this point by evidence oral and/or documentary. Not having done

so, this argument is simply not available to the management.

30. Even if there was no such vacancy, can these workmen be asked to suffer for this reason? If such situation has come, it was the creation of the management with which the workmen had nothing to do. The management cannot first create a situation by not adopting a correct path and then argue that since such situation exists, the workmen should not be given any relief. If the management has created such a situation then it is the management which has to find a way out of it. But as I have already pointed out, the management has not proved that there had been no such vacancy even after February, 1986. In such situation it must be held that the concerned workmen are entitled to be placed on the post of driver trainee.

31. The question that would arise now is whether the benefits such as seniority can be given to these two workmen with retrospective effect i.e., with effect from the date or time they would have been so appointed to the aforesaid post. But giving any benefit with retrospective effect may create further difficulty. This is so because this may affect the seniority and related benefit of the persons who were appointed in their place or who might have been appointed subsequently. But those other employees cannot be effected in their service condition for the reason that they are not a party to this reference. However, on their appointment these two concerned workmen may make suitable prayer in this regard, if advised, to the management which the management may consider in accordance with the law and rules.

32. In the result, the following is the award—

The action of the management of Rajrappa Project of M/s. C.C. Ltd. in not appointing Kaleshwar Singh, Armed Guard and Nicodin Dhan, Security Guard as Auto Drivers trainee, even after selection to that post, is not justified. The workmen are entitled to be posted as such immediately on his award becoming enforceable.

There will be no order as to the cost.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 15 अप्रैल, 1994

का. आ. 1091:—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार, मै. सैन्य कोलफील्ड्स लिमि. की कायारा कोलियरी के प्रबन्धनतंत्र के मंबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण (सं. 1), भत्तवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-94 को प्राप्त हुआ था।

[संख्या एल—20012/17/90—प्राई आर (कोल-1)]

श्री. गंगाधरन, ईस्ट अविकारी

New Delhi, the 15th April, 1994

S.O. 1091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Cen-

tral Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Kathara Colliery of M/s C.C.L. and their workmen, which was received by the Central Government on 13-4-94.

[No. L-20012/17/90-IR (Coal-1)]
C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD
In the matter of a reference under section 10(1)(d)

(2-A) of the Industrial Disputes Act, 1947

Reference No. 174 of 1990.

PARTIES :

Employers in relation to the management of Kathara Colliery of M/s. Central Coalfields Ltd.

AND
Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri B. Joshi, Advocate.

State : Bihar. Industry : Coal.

Dated, the 5th April, 1994

AWARD

By Order No. L-20012/17/90-I.R. (Coal-1) dated, the 21st August, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Kathara Colliery of Central Coalfields Ltd., P. O. Kathara, Dist. Giridih by way of dismissal of Shri Sudama Chakraborty, Dumper Operator, Gr. I from service of the company w.e.f. 31-12-88 is legal and justified? If not, to what relief the workmen concerned is entitled?”

2. The workman concerned was charged with following misconducts :—

- (1) That you have been found sleeping in the Auto Section room till 3.45 A.M. of 25-3-88. After every persuasion from your shift Incharge you did not get up.
- (2) That you have refused to operate the allocated dumper for which the company sustained loss of production in the night shift of 24-3-88.

- (3) That you have disobeyed the lawful instruction of your superior.
- (4) That you have assaulted and beaten Sri T. Mohanta (Exev) (Running Repairs) with your Mining Shoe.
- (5) That you have also threatened him that you will see him (Sri Mohanta) afterwards."

The aforesaid actions were described as misconducts under various sub clauses of Clause 17 of the Certified Standing Orders.

3. The workman on his appearance through the sponsoring Union submitted written statement admitting that the workman was on duty in the night shift of 24-3-88 as Dumper Operator from 10 P.M., to 6 A.M. of the next morning. He said that he was given Dumper No. 3184 which was in a bad condition which ultimately broke down. Having reported to the authorities at about 1.45 A.M. he waited at Auto Section room for further instruction. At about 3.00 A.M. he was advised to operate Dumper No. 3183, also in bad condition which was allotted to N. C. Mahato. Since it was dangerous to operate the dumper the workman requested the Engineer Sri T. Mohanta to get the dumper repaired first. Sri Mohanta got enraged and told him that if he failed to operate Dumper No. 3183 action would be taken against him. The workman refused to operate the dumper. The workman also reported the matter to the management next morning.

4. It is alleged in the written statement that the Engineer concocted some allegations against him on the basis of which a charge-sheet dated 25-3-88 was issued, and he was suspended. An improper departmental enquiry was conducted on the basis of which the workman was dismissed from service. A prayer has been made to find that the workman was entitled to be reinstated with full back wages.

5. The management filed its written statement claiming that the charges were correct and a proper domestic enquiry was held. It was submitted that the concerned workman, by his application dated 14-7-88 had even tendered apology which was not accepted. The other allegations of the workman have also been denied.

6. Here it may be mentioned that on behalf of the management a petition was filed on 24-12-92 by way of supplementary written statement stating therein that the management had come to know that soon after his dismissal the concerned workman had secured employment in M/s. B.C.C. Ltd. as Dumper Operator and has been working in M/s. B.C.C. Ltd. However, there is neither denial nor acceptance on behalf of the workman and there is no proof on the record that the workman was working in M/s. B.C.C. Ltd.

7. The points for consideration are firstly, whether or not the materials on the record justify the conclusion of the Enquiry Officer that all the five charges had been proved and, secondly, if the conclusion of the Enquiry Officer is found to be correct fully or in part, then whether or not the punishment inflicted

upon the workman in view of the charge/charges proved, is proper and justified.

8. The concerned workman had submitted his explanation after he received his charge-sheet. He had denied the allegations. He had stated that at about 1.45 A.M. the Dumper No. 3184 had broke down and then he was asked to take Dumper No. 3183 which was booked in the name of N. C. Mahato and was also in break-down condition, hence he refused to drive the dumper in view of his safety. According to the workman at this Sri Mahanta got enraged, abused him and threatened him with deleting of his attendance and getting him dismissed. This explanation is Ext. M-3. The charge-sheet is Ext. M-2.

9. Interestingly Ext. M-4 is a letter by the concerned workman dated 14-7-88, referring to the aforesaid assault case, in which the concerned workman made his submission to the Project Officer of the colliery in the following words :—

".....I would like to be apologised (sis) for any kind of mis-happening, if might have occurred in my im-awareness with our respected Sri Mahanta, Moreover, I shall again assure you that no such mis-deeds would reoccur in future from my side. I shall now pray your kind honour to kindly allow me to resume my duty at the earliest."

10. Before embarking upon sifting of evidence as adduced in the domestic enquiry it may be mentioned that the learned predecessor by order dated 6-11-92 had held that the domestic enquiry was conducted fairly and properly.

11. Coming to the charge of assaulting Sri Mahanta with Mining Shoe. I find that satisfactory evidence in this regard has not been led by the management. On this point only two witnesses have been examined, Mr. T. Mahanta, Engineer and Mr. R. P. Barnwal, Asstt. Manager of the Colliery who also was on duty on that night.

12. To understand the situation under which Sri Mahanta was allegedly assaulted, it is better to go through the sequence of the event as described by Sri Mahanta himself in his evidence. This witness has said that the Dumper No. 3184 was booked with the concerned workman and was in operation. At 1.30 A.M. the workman informed him that the dumper had broken down at which he asked the Auto Electricians to correct the defect. Those Electricians informed at about 1.45 A.M. that the aforesaid dumper was then ready for operation. Since in the night shift 2.00 A.M. to 2.30 A.M. is the races hour, immediately after this, the witness told Sri Barnwal that the dumper was ready. Sri Barnwal had called the concerned workman for duty through Public Address System, but when the concerned workman did not turn up Sri Barnwal sent the Mining Sirdar, Satish Mandal. Satish Mandal reported that the workman was sleeping in the Auto Room and that the workman would not take the aforesaid dumper to the field. Thereafter Barnwal again called the workman to duty through Public Address System and for taking Dumper No. 3183. When Sri Chakraborty did not turn up

Sri Barnwal went to the Auto Room where Sri Chakraborty was sleeping. Coming back Sri Barnwal told the Pit Supervisor that since the workman was not taking the dumper to the field his attendance should be struck off. Then in the operation room, Sri Barnwal told this witness that he should also go and request the workman to take Dumper No. 3183.

13. The witness further said that when he went to the Auto Room he found the workman sleeping whom he woke up. Then the witness told him to take the dumper since his attendance was being struck off. When the witness insisted about his taking the dumper the workman said that he had no right to say so to him. The witness has narrated further dialogue between the two. He said that ultimately Sri Chakraborty asked him to go away, threatening that if he did not go away then the workman would beat him out. After this the workman rose up and taking his mining shoe which was kept nearby, hit him twice, one on his left wrist and the second on his left elbow. At that time Sri Mangar Karketta, Sr. Mechanic stopped the concerned workman. The witness said that at that time Sri Barnwal was also standing near the gate. He was asked to submit written report, and he gave a written report also.

14. It may be noted here that during cross-examination this witness has said that he had found the workman sleeping at about 3.30 P.M. and at that time one Gayasuddin and Gafoor Mian were also in the Auto Section and Sri R. P. Barnwal was outside the room. He also said that besides these persons three more persons were there. According to him at that time the Auto Section was lighted. He also admitted that two to three other persons were also sleeping there but they had covered their faces with clothes. This witness in cross-examination has also accepted that apart from Mr. Karkatta none other had come forward to save him.

15. Compare to this is the evidence of Sri. R. P. Barnwal, MW-2 who has stated as to how Sudama Chakraborty was called by Public Address System but when he did not come he sent Satish Mandal to call him to take out Dumper No. 3184. According to his evidence sometimes after Sri Mandal informed him that Sri Chakraborty was sleeping and he would not take the dumper. Then this witness himself went to that room and asked the workman to take dumper to which the workman refused saying that the engine of that dumper stopped frequently. At this witness told him that the dumper was ready, hence he should use it once. At this the workman again refused and went back to sleep. Thereafter he came back to the operation office and gave the dumper No 3184 to one N. C. Mahato.

16. According to this witness there was some defect report about Dumper No. 3183, which was in operation in that shift with the lower machine. N. C. Mahato had told him that this dumper can be operated on the upper machine. The report was that the Dumper was taking less load. Thereafter this witness wrote the name of the concerned workman on the card and again announced his name from public Address System, but the workman did not come. The witness again went to Sri Chakraborty and asked him to take Dumper No. 3183 but the

workman said that he would not take the dumper which was driven by other workman. Then this witness came back to the operation room. He ordered for striking off the attendance and also asked Sri Mahanto to go and talk to the workman.

17. Thereafter this witness has said that he also went out alongwith Sri Mahanto. He has then described the talk between the workman and Sri Mahanto which he heard from outside the Auto Section. Thereafter he went back towards Verandah. When he came back, he saw the workman hitting Sri Mahanto with mining shoe. Then this witness asked Sri Mahanto to prepare a complaint and told that he himself was going on round. He again came back at about 4-30 A.M. and took Sri Mahanto to Sri S. S. Singh, the Operation Incharge and informed him about the incident.

18. During cross-examination this witness has also said that other persons were also present there, such as Sri Karkatta and Sri Gayasuddin. This witness further said in cross-examination that he had come alongwith Sri Mahanto from the operation room. He admitted that after hearing the talk of the two he had gone away for 2 to 3 minutes. In reply to other questions he said that Sri Chakraborty had assaulted Sri Mahanto twice and thereafter also behaved assaulted him.

19. This is the evidence of the management witness on the allegation of assault upon Sri Mahanto. What does not appear to be reasonable is that when Sri Barnwal himself had gone twice, according to his evidence, to the workman and when the workman had defied him, then why he accompanied Sri Mahanto again, though according to the evidence of both the witnesses, Sri Mahanto was asked by him to go and reason with the workman to take the dumper to work. It is nobody's evidence that Sri Barnwal had told Sri Mahanto to accompany him again for persuading the workman. No doubt, the fact is on the record, as in the evidence of both the witnesses that Auto Room was somewhere nearby to the Operation Room. It might have been natural that when Sri Mahanto was sent by Sri Barnwal and if there had been some heated argument which if had travelled unto Operation Room then Sri Barnwal might have moved towards the Auto Section. But this is not the case of these two witnesses. Their case is that through Sri Barnwal asked Sri Mahanto to go and persuade the workman, yet he himself accompanied him and went there for the third time.

20. Accordingly to the evidence of MW-1, there was assault only twice, whereas MW-2 in cross examination, has asserted two assaults but also said that thereafter also Sri Mahanto was assaulted. This is contradiction between the two statements. If the assault had continued, then MW-2 has not explained as to why he himself did not intervene being the seniormost officer there. Instead, according to MW-2 he just asked Sri Mahanto to prepare to report and he him went out on round and came back after one hour. If he had seen the workman assaulting his officer then it was unlikely that he, being the senior officer, would have left the assaulted officer on his own devices in a nearby room, quite unmind-

ful of the prospect of the workman, who evidently was in a nearby room in a violent mood, again causing some harm to the assaulted officer. If he was a witness to the assault, then most natural thing for him to do was to console his officer and immediately make arrangement for his safety.

21. Nextly, it is evident that some other persons were also present at the place of occurrence out of which at least three have been named including Mr. Kartatto who had intervened in the assault. But none of these witnesses including Mr. Karkatta have been examined as witness of the management.

22. On the other hand, Sri Sudama Chakraborty examined himself and said that he had nothing to say beyond what he had stated in his explanation. The other witness on behalf of the workman is Md. Siraz who had not said anything about the assault. As per his evidence, no such assault had taken place.

23. W.W.2 is C.P. Malhotra, Dumper Operator. His evidence is also on the same lines

24. Notwithstanding the evidence of the workman's witnesses, I find it already stated, that the evidence as the management on this point is not satisfactory. The circumstances and the contradiction raise doubts about this charge. Therefore I do not find that the Enquiry Office should have held the charge of assault to have been proved.

25. In so far as the charge No. 5 is concerned, I do not find that the management has led satisfactory evidence on this point. The charge is that the concerned workman had threatened Sri Mahanto that he would see him afterwards. This even Sri Mahanto has not said in so many words in his examination in-chief.

26. In my opinion, the management has failed to adduce satisfactory evidence sufficient to prove the Charge Nos. 4 and 5. To this extent I disagree with the finding of the Enquiry Officer.

27. But in so far as the first three charges are concerned, I find that the management has adduced satisfactory evidence to prove these charges.

28. Charge No. 1 alleges that the concerned workman was found sleeping in Auto Section Room till 3.45 A.M. of 25-3-1988. It also alleges that after every persuasion from Shift Incharge he did not get up.

29. The second part of this charge appears to be vague. Whether the management by using the term—"You did not get up"—means that he did not stand up or whether he did not get out of the slumber, has not been made clear in the charge. But the wording of the second part of the charge shows that the allegation was that after he was woken up he did not get up (for going to his duty). This is so because the charge shows that after every persuasion, the concerned workman did not get up. He could have been persuaded to get up only after he was woken up from sleep.

30. Now I will examine both parts of the charge.

31. As already stated, it is clear from the evidence of MW-1 and MW-2 that Sri Barnwal had gone twice to the concerned workman to ask him to resume his duty. Mr. Barnwal in his evidence has said that he had sent Mining Sirdar who had told him that the workman was sleeping and was not ready to take out the vehicle. Mr. Barnwal said that while he went to that room the second time he found that Sri Chakraborty was still sleeping whom he woke up again.

32. These two witnesses also affirmed that Mr. Mahantao also had gone once to the concerned workman. In his evidence Mr. Mahantao has said that when he went he found the concerned workman sleeping whom he woke up. He later said that Sri Chakraborty had continued to lie down and had got up only at the time of assaulting him.

33. No doubt, both these witnesses had said in their cross-examination that the workmen had replied on one call. Mr. Mahantao said that the workman had replied on one call but he did not get up. Mr. Barnawal also said during cross-examination that the workman had woken up on one call. He also said that when he went to him for the first time, the workman was sleeping but later he was only lying down.

34. At page 52 of the enquiry document the concerned workman admitted during his cross-examination that while Mr. Barnwal was talking with him, he continued sitting on the floor. He admitted that Mr. Barnwal was at that time standing. At page 56 the concerned workman also admitted that while Mr. Mahantao was talking to him then also he was sitting.

35. It is not natural that in ordinary circumstance a workman would talk to his senior officer including Incharge of the Shift in sitting posture while the officers were standing before him. The workman was more likely to do it if earlier he was sleeping or if he was recalcitrant.

36. In so far as defence witnesses are concerned, from the first page of the evidence of Md. Siraz it will appear that it was after the tiffin time when Sudama Chakraborty was demanding another dumper at the Data Bank since the dumper allotted to him was getting shut off. According to him it was after tiffin time at the Data Bank that Mr. Barnwal sent N. C. Mahato with the Dumper which was earlier allotted to Sudama Chakraborty which N. C. Mahato did. According to this witness then Mr. Barnwal asked the concerned workman to take Dumper No. 3184 at which Shri Chakraborty said that the Dumper was in break-down condition, and then this witness went to the field.

37. The evidence of this witness is not helpful to the workman. According to him, Mr. Barnwal had talked with the concerned workman at the Data Bank, whereas, according to the concerned workman himself, those talks had taken place in the Auto Section Room. Moreover, according to the case of the workman his Dumper had gone out of order before the recess hour, whereas according to this witness the concerned workman had so reported after the recess hour.

38. This witness has given different statements also. According to him after the tiffin hours he was given a Dumper to take away at the Data Section. Where he was after taking tea in auto section. But during cross-examination he again submitted that when Mr. Mahato was talking to Shri Chakraborty he was also in Auto Section.

39. In so far as the workman's witness C. P. Malhotra is concerned he has presented himself as witness of conversation between the concerned workman and the officials. But he has not said anything about the officer's offer to the concerned workman to take another Dumper. Even the concerned workman has admitted that he was offered another dumper.

40. It may be noticed that the concerned workman has said that he was sitting on the floor, W.W.-1 has said that he was sitting on the 'Koot' or the blasting, whereas W.W.-2 has said that he was sitting on a brick kept on the floor. This witness also has admitted that Mr. Barnwal had kept standing.

41. The evidence of both the management witnesses is corroborative to each other on the point that before the officials themselves went to the concerned workman he was called to duty on the Public Address System, but the concerned workman did not turn up. This could be possible only if the concerned workman was sleeping or he had no intention to obey the direction of his superior.

42. In view of the evidence discussed above I find that the management has been able to bring on the record satisfactory evidence on Charge No. 1 and has proved it.

43. Charge Nos. 2 and 3 are inter-linked. Taking first the Charge No. 3, it alleges that the concerned workman had disobeyed the lawful instruction of the superior. Both the management witnesses have said that first the workman was asked to take his allotted dumper (No. 3184) after tiffin hour. The workman also has admitted it. At page 53 of the documents of enquiry, during cross-examination the concerned workman admitted that Mr. Barnwal asked him to take the Dumper No. 3184 which he refused because that Dumper used to switch off frequently. He also admitted that he was then offered Dumper No. 3183 at which he (concerned workman) said that the second Dumper was booked in the name of another operator.

44. It has come into evidence of the management witnesses that when Sudama Chakraborty had reported against the Dumper allotted to him the mechanics were called, who later reported the Dumper to be fit for operation. That Dumper was fit for operation is also supported by W.W.-1 who said that after tiffin hour on the asking of Mr. Barnwal, another operator Shri Mahato had taken the Dumper No. 3184 to duty. Therefore, the least the concerned workman could do was to go and see if the Dumper No. 3184 was still out of order. When he admittedly was offered another Dumper it was none of the business of the concerned workman to question about as to whom that Dumper earlier was allotted. If Shri Mahato could take the Dumper

per No. 3184, then the concerned workman could also take another Dumper which might have been earlier allotted to another operator. Therefore, obviously the workman had disobeyed lawful instruction of his superior. I find that there is sufficient evidence on the record to prove the Charge No. 3.

45. Coming to the Charge No. 2 obviously if the workman refused to operate a Dumper allotted to him after tiffin hour that must have resulted in loss of production in course of that night shift. Therefore, I also find that the Charge No. 2 has been proved. The aforesaid three charges depict misconduct under provisions of Clause 17(i), (j), 17 (1), (i) and 17 (1) (c) of the Standing Orders.

46. In the result I find that though Charge Nos. 4 and 5 have not been proved by satisfactory evidence in the domestic enquiry, charge Nos. 1, 2 and 3 have been established by materials on the record.

47. Now coming to the punishment to the workman, the workman has been dismissed from service. He was dismissed from service when the management kept in view that Charge Nos. 4 and 5 had also been established which were graver charges.

48. Since only three charges all found to have been proved the question is as to whether the Commission of these three misconducts would warrant the punishment of dismissal from service. The answer is both yes and no. If it was proved that the workman had not a satisfactory record of service and/or had ever indulged in any act of proved misconduct in the past, then establishing of aforesaid three charges could warrant his dismissal from service. But in this case it has not been proved that the workman had ever indulged in the past in any act of misconduct or that he had not a satisfactory record of service. In such circumstance, in my opinion, though the workman should be punished for his misconduct, yet the punishment should have been short of dismissal from service so that the concerned workman while learning a lesson for his misconduct would have got an opportunity to mend himself and deter from any such action in future. In view of this I do not find, under the circumstances discussed above, that the punishment of dismissal from service was justified.

49. Then coming to the alternative punishment, this workman was dismissed with effect from 30-12-1988 (Vide Ext. M-9). Though there is an application as stated earlier, on the record, filed on behalf of the management that this workman had secured alternative employment with M/S. B. C. C. Ltd., no document in proof of the same had been filed. Therefore, it may be presumed that the workman had remained without work till now. In my opinion, if the workman is directed to be reinstated but without any back wages, that would be sufficient punishment to him keeping in view the misconducts proved against him. This way, he will lose, by way of punishment, his wages for more than five years.

50. Therefore, the following award is rendered—

In view of the charges proved against Sri Sudama Chakraborty, Dumper Operator Grade-I, the action

of the management in dismissing the workman from service with effect from 31-12-1988 is not justified. The management is directed to reinstate the concerned workman within two months from the date of the publication of this award, but on such reinstatement the workman will not be entitled to any back wages. However, seniority of the workman shall remain intact.

In the circumstances of the case the parties shall bear their own cost.

P. K. SINGHA, Presiding Officer

नई दिल्ली, १५ अप्रैल, १९९४

का. आ. 1092 :—आंदोलिक विवाद अधिनियम १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में केन्द्रीय सरकार मैं भारत कोकिंग काल लिमि. की मधुबंद कोलियरी के प्रबन्धनेत्र के संबंध नियोजकों और उनके कर्मकारों के द्वारा अनबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण (सं. २) अनवाद के पंचपट को प्रकाशित करनी है जो केन्द्रीय सरकार का १२-४-९१ को प्राप्त हुआ था।

[संख्या प्रल—२००१२/२३१/८६-ई-३ (प) आई आर (कोल-१)]

मी. गंगाधरन, इस्क अधिकारी

New Delhi, the 15th April, 1994

S.O. 1092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Madhuband Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 12-4-1994.

[No. L-20012/231/86-D.III(A)IR(Coal-1)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 5 of 1987

PARTIES :

Employers in relation to the management of Madhuband Colliery of Messrs. Bharat Coking Coal Limited and their workmen

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated. Dhanbad, the 31st March, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(231) 86-D.III(A), dated, the 29th December, 1986.

THE SCHEDULE

“Whether the demand of Bihar Colliery Kamgar Union that the management of Madhuband Colliery of M/s. Bharat Coking Coal Limited should regularise the following casual Wagon Loaders is justified? If so, to what relief are these casual wagon loaders entitled?”

ANNEXURE

1. Smt. Maini Kamin.
2. Sonomoni Kamin.
3. Sonia Kamin.
4. Manjua Kamin.
5. Chhabia Kamin.
6. Matni Bhunij.
7. Sivan Rajwar.

2. This reference is pending since December, 1987. Shri R. S. Murthy, appeared for the management and Shri D. Mukherjee for the workmen. The parties filed their respective W.S. in the year 1987 and 1988 but till this date no document has been filed nor any oral evidence has been adduced. As per terms of the reference the demand of Bihar Colliery Kamgar Union was that the management of Madhuband Colliery of M/s. B.C.C.L. should regularise 7 workmen as shown in the annexure to the Schedule of reference. Non filing of the documents and keeping silent over the matter for years together is suggestive of the fact that the union has got no interest in the matter and in the circumstances a No dispute Award is passed.

B. RAM, Presiding Officer.

नई दिल्ली, १५ अप्रैल, १९९४

का. आ 1093 :—आंदोलिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार, मैं भारत कोकिंग काल लिमि. की नियमा कोलियरी के प्रबन्धनेत्र के संबंध नियोजकों और उनके कर्मकारों के द्वारा अनबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण (सं. २) अनवाद के पंचपट को प्रकाशित करनी है जो केन्द्रीय सरकार का १३-४-९४ को प्राप्त हुआ था।

[संख्या प्रल—२००१२/१६८/९१—आई आर (कोल-१)]

मी. गंगाधरन, इस्क अधिकारी

New Delhi, the 15th April, 1994

S.O. 1093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Nirsa Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on 13-4-1994.

[No. L-20012,168,91-IR(Coal-1)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947
Reference No. 162 of 1991

PARTIES :

Employers in relation to the management of Nirsa Colliery of M/s. E.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kangar Union.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 31st March, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(168)91-I.R.(Coal-1), dated, the 25th November, 1991.

SCHEDULE

"Whether the action of the management of Nirsa Colliery of M/s. B.C. Ltd., in removing the name of Shri Mangal Manjhi, Miner, Loader, from their roll is justified ? If not, to what relief the workman is entitled ?

2. This reference is pending December, 1991. It appears that one Shri D. Mukherjee has been putting regular attendance on behalf of the workmen and similarly Shri R. S. Murthy, Advocate appeared on behalf of the management but till this date no W.S. could be filed on behalf of the workmen. This is suggestive of the fact that the workmen's union is not

very much interested in pursuing of the matter. In the circumstances, a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

नई दिल्ली, 15 अप्रैल, 1994

का. आ. 1094.—ग्रांयोगिक विवाद ग्रांथांत्यम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में, इंडियन आयरन एण्ड स्टील कम्पनी लिमि. की चामनाला कार्लियरा के प्रबक्षतंत्र के संबद्ध नियंत्रण को और उनके कर्मकारों के बीच अनुवंश में निविट ग्रांयोगिक विवाद में केन्द्रीय सरकार, ग्रांयोगिक अधिकरण (सं. 2) वनवाद कंचपट का प्रकाशित करती है जो केन्द्रीय सरकार को 13-4-94 को प्राप्त हुआ था।

[संख्या प्रल-20012/227/85-डी. 3(ए)।/ग्रांयोगिक (कोल-1)]

सौ. गंगाधरन, डेस्क ऑफिसर

New Delhi, the 15th April, 1994

S.O. 1094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Chasnala Colliery of M/s. HSCO and their workmen, which was received by the Central Government on 13-4-1994.

[No. L-20012/227/85-D.III(A),IR(Coal-1)]

C. GANGADHARAN, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947
Reference No. 34 of 1986

PARTIES :

Employers in relation to the management of Chasnala Colliery of M/s. Indian Iron & Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kangar Union.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 31st March, 1994

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(227)185-D.III(A), dated, the 13th January, 1986.

THE SCHEDULE

"Whether the demand of the Bihar Colliery Kamgar Union that the 26 Trammers (named in Annexure) of Chasnalla Colliery of M/s. Indian Iron and Steel Co. Ltd., should be paid Category-IV wages for performing higher jobs is justified? If so, to what relief are the concerned workmen entitled and from what date?"

ANNEXURE

1. Sudhir Gorai.
2. Nemai Gorai.
3. Bhim Singh.
4. Rakir Mahato.
5. Muhilal Mahato.
6. Yadav Mahato.
7. Dhanu Mahato.
8. Gopal Mahato.
9. Amar Singh.
10. Md. Zamir.
11. Habib Khan.
12. Sahadeo Bouri.
13. Janki Mahato.

14. Kalipadac Mallick.
15. Sahadat Hussain.
16. Raghu Sow.
17. Nathuni Prasad Yadav.
18. Narbhu Das.
19. Kartik Ram Sahu.
20. Manilal Parmanik.
21. Sahadeo Hazra.
22. Ram Mandal Sahu.
23. Hutum Bouri.
24. Dara Khan.
25. Fadu Mahato.
26. Abdul Razak Ansari.

2. This reference is pending since January 1986. Shri R. S. Murthy appeared for the management and Shri D. Mukherjee for the workmen. As per terms of the reference it was the demand of the Bihar Colliery Kamgar Union that 26 trammers of Chasnalla Colliery of M/s. Indian Iron and Steel Co. Ltd. should be paid Category IV wages for performing higher jobs. I find that W.S. of both the sides were filed in the year 1986 itself and since then the matter is pending for filing documents and also for hearing. No document from either side could be filed nor any evidence was adduced. In the circumstances of the case I am to hold that the concerned workmen are not at all interested in their demand and hence a 'No dispute' Award is passed.

B. RAM, Presiding Officer.

